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LECTURES

ON THE

HISTORY OF FRANCE.

BY

THE RIGHT HONOURABLE

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IN TWO VOLUMES.

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TO

THE REV. WILLIAM WHEWELL, D.D.

MASTER OF TRINITY COLLEGE, CAMBRIDGE.

My dear Sir,

I should be sorely embarrassed if it were necessary for me, in dedicating this book to you, to attempt an imitation of that lapidary style in which Dryden and his contemporaries were accustomed to lay their works at the feet of their patrons. I could with almost equal ease present myself at your hospitable door at Trinity, in a coat embroidered like that in which Dryden, when in *statu pupillari* there, may have looked on the Master of his days. Perhaps, indeed, neither our language, nor our appearance, has really been improved by the exchange of the habits of our ancestors for those now in use amongst us. But, at present, I gladly avail myself of the unceremonious fashions of our age to address you, not in a formal inscription, but in a familiar letter, since in such a letter I shall best be able to pursue

that discursive course which will, I foresee, be necessary for bringing under your notice some of the many topics to which I am desirous to refer.

When, in the summer of 1849, Her Majesty was pleased to appoint me to be her Professor of Modern History at Cambridge, I consulted three, and three only, of my friends, as to the means by which I could most effectually discharge the duties of my office, apprising each of them that the History of France was the subject on which I first proposed to enter. "In that case," answered Mr. John Austin (from whose company no man ever returned without a fuller mind, and a warmer heart), "your business will be to explain the institutions of the old French monarchy. There are no questions connected with the history of that country which so readily admit, or which so much require, illustration from a lecturer." Mr. Macaulay's answer was, in substance, that, of all the fields of French History, that of the wars of religion was the richest, and the least exhausted; but he added, that no man could be competent to take possession publicly of that, or of any other, wide subject of historical inquiry, without a preliminary acquaintance, and a particular preparation of at least two or three years. By yourself, I was told—that the arrangements so recently made for the better conduct of our academical studies and examinations, proceeded on the assumption, that the public duties of every *own office* would be undertaken and performed without delay—that the abandonment of them, even for a single year, would defeat one essential part of the general scheme, and would involve the rest in confusion—and that, therefore, the interest of the

University required that I should do my best at once; and that I might do it with a good hope of a kind and indulgent acceptance of the endeavour.

If I had consulted either my ease or my credit, I should have been guided by Mr. Macaulay's advice. But I soon became convinced that it was my duty rather to defer to Mr. Austin's opinion, and to yours. I therefore delivered, in Easter Term, 1850, the Lectures contained in the first of the accompanying volumes. In Easter Term, 1851, I added to them the Lectures contained in the Second Volume.

I anticipate your answer, that thus far I have been explaining why I lectured prematurely, but that what is really wanting, is rather a defence for my now publishing precipitately. To render my apology on that head intelligible, you must allow me, in sea-phrase, to take a good offing.

In the year 1812, I ceased to be an undergraduate, and at once became so deeply immersed in the active business of life at London, that when, after an interval of thirty-eight years, I returned to Cambridge, it was a scene in which I found almost all the interest of perfect novelty. Most of the venerable old buildings were, indeed, standing, and, amongst the occupants of them, I could still recognise some few of my old college contemporaries. But I soon ascertained that the revolutionary spirit, which is so active in our courts and parliaments, was not less wakeful in our collegiate halls and cloisters.

If I had the pen of Edward Gibbon, I could draw from my own early experience, a picture which would form no unmeet companion for that which he has bequeathed to us, of his education at Oxford. The

three or four years during which I lived on the banks of the Cam, were passed in a very pleasant, though not a very cheap, hotel. But if they had been passed at the Clarendon, in Bond Street, I do not think that the exchange would have deprived me of any aids for intellectual discipline, or for acquiring literary or scientific knowledge.

But, in 1849, I discovered, that not only those ancient undergraduate liberties were overthrown, but that even the tradition and memorial of them had passed away. They had given place to innovations which would have made the hair stand on end, on those venerable wigs which were worn by the "Heads of Houses" in my time. All the old text-books in science and in literature had been superseded. All the public examinations had altered their character. Studies unheard of in the first decade of the present century, were either occupying, or contending for a foremost place in our system of instruction. All our academical statutes had undergone, or were undergoing, revision. Reformatory enactments had succeeded each other in such number, and with such rapidity, as to exercise severely the skill of the most practised interpreter of the law. Every principle of education, however well established, and every habit of teaching, however inveterate, had been fearlessly questioned, and not seldom laid aside. And, presiding over all this movement, I found one dominant mind, informed by such an accumulation of knowledge and experience, as might have become a patriarch, and yet animated by such indomitable hopefulness and vivacity, as might have been supposed to be the exclusive privilege of boyhood.

In the contemplation of all these changes, my chief solicitude, of course, was to ascertain what were the particular duties which had devolved on myself. I found that I was not only expected, like my predecessors, to read public lectures on Modern History, but that I was also to conduct examinations on that subject, sometimes alone, and sometimes in concert with others—alone, in the case of pupils, who, being unambitious of honorary distinctions, might seek merely to obtain from me a certificate of their acquaintance with some one or two particular historical books—in concert with others, in the case of candidates for rank and honour amongst the students of the Moral Sciences.

I will not conceal from you that I regarded, and still regard, with some regret, my share in this apportionment of labour; not, indeed, that I consider it either as onerous or unequal, but that I am constrained to view it as of very doubtful utility.

Within the compass of the "Moral Sciences" embraced in these examinations, are included Moral Philosophy, English Law, General Jurisprudence, Modern History, and Political Economy. Our honorary distinctions are to be awarded for proficiency, not in any one of these pursuits alone, but in them all collectively. The candidates for such distinctions must, until within a month or two of their examination, have continued to prosecute those scientific, literary, and theological studies, in which the entire body of our pupils are engaged throughout the whole of their academical course. To myself, therefore, it seems simply impossible that they should really be conversant with even any one of the five Moral

Sciences in question. A young man who, under such circumstances, should really be conversant with them all, might read the life of the admirable Crichton without incredulity and without despair.

We shall however, from year to year, propose questions on all of those subjects; and we shall, undoubtedly, receive many ingenious and specious answers to them. I, for one, shall read such answers with regret; for if there be any one habit of mind which I should especially desire to discourage in men entering into the business of life, it is the habit of substituting a shabby plausibility for sound knowledge; and how can we avoid promoting that disingenuous and pernicious practice when we invite the aspirants to distinction amongst us to submit themselves to an examination in sciences which we have not allowed them time to investigate or to understand? For example, let any one who ever devoted himself to the study of the law of England say, whether a few brief interstitial hours, stolen with difficulty from his indispensable academical pursuits, will enable a young man, in his twenty-first or twenty-second year, to know any thing, worth the knowing, of that boundless, and toilsome, and ever-shifting field of inquiry. Yet an adroit and dexterous man may, even under such circumstances, assume the deceptive semblance of such knowledge. I could, therefore, earnestly have wished that each candidate for distinction in the Moral Sciences, had been permitted to choose some one such science to which alone his examination was to be confined, and had, also, been first discharged from his classical and mathematical labours during a

period sufficiently long to enable him to pursue it below the mere surface.

My duty, however, being to obey the law as I found it, I applied myself to discover how such obedience could be most effectually rendered. The result was, to disclose to me some formidable and hardly anticipated difficulties. Thus I learned, that of the gentlemen whom I was to instruct and to examine, a considerable portion had no acquaintance with any modern language except their own, and that the most popular and elementary French works on the History of France were apparently unknown to a still greater number of them. Amongst such of them with whom I conversed, I found, therefore, an almost unanimous solicitude to be directed to some English book on the subject of French history, by the aid of which they might prepare themselves for what was to be taught in the lecture room.

I need not remind you that the only such books are Robertson's "Introduction to the History of Charles V." and the first volume of Mr. Hallam's "View of the State of Europe during the Middle Ages," or rather so much of that volume as is contained in its first and second chapters. The second of those chapters so completely answered the demand of my pupils, that, in the fifth of the following Lectures, I referred them to it and to Robertson, as their guides on every question connected with the French Feudal System. But the first of Mr. Hallam's chapters, which contains an epitome of the history of France from its conquest by Clovis to the invasion of Naples by Charles VIII., was not equally suited to my immediate purpose. For my plan embraced inquiries extending far beyond

the reign of Charles VIII., and the very circumstance which constitutes the beauty and the excellence of that passage of the "View of the State of Europe during the Middle Ages"—I mean the wonderful art with which a narrative so luminous, and so comprehensive, is compressed into so small a space—though befitting it for higher ends, unfits it for serving as a class or lecture book. Mr. Hallam every where presupposes in his readers an extent and a variety of previous information, which it was impossible for me to ascribe to the great majority of my youthful audience.

I found therefore, that, in order to teach the History of France, I must begin by drawing up an introduction to it with the omission of the whole subject of the feudal system on which Mr. Hallam had left me nothing material to say. I sought, however, diligently at Paris, during a residence of several months there, for any book, a translation of which might relieve me from the labour of composing, and from the risk of publishing, such an introduction. Finding no such book, I performed that labour, as I now incur that risk.

It has, indeed, been suggested to me, that an annual recitation of my lectures would supersede the necessity of sending them to the press. My answer is, that, after once making the experiment, I have renounced the hope of being ever able to repeat the same discourses year after year. I must venture to add, that I am extremely sceptical as to the real value of public oral teaching on such a subject as mine. If Abélard himself were living now, I believe that he would address his instructions, not to the ears of

thousands crowding round his chair, but to the eyes of myriads reading them in studious seclusion.

I trust, therefore, that in publishing this book without further delay, I am really acting in the spirit of that advice for which I am indebted to you. In the early delivery, and in the early publication of my Lectures, my object has been the same. It has been in either case to meet an exigency for which I am bound, to the best of my power, to provide, and for which I knew not how otherwise to make provision.

I trust, also, that I have been regardless of Mr. Macaulay's admonition in appearance, rather than in reality. Such rapidity of execution would, indeed, be altogether absurd, if, in giving these volumes to the world, I were a candidate for a place in that small and illustrious company of historical writers, to which he and Mr. Hallam belong. But to disclaim any such pretension, would not be so much superfluous, as it would be ludicrous.

In the few prefatory words with which I opened these Lectures at Cambridge, and which I have no means of quoting except from memory, I remember to have said to the senior members of the University, who had done me the honour to attend on that occasion, that I had nothing to offer which invited, or which would reward, their attention; for that having expected to address myself to those, and to those only, to whom Modern History was an almost untrodden field, I had prepared nothing which was not perfectly simple, familiar, and elementary. The Lectures which, in accordance with that announcement, I then proceeded to deliver, and which I now publish, constitute neither a history, nor a series

of historical treatises; but merely a class or lecture book for the use of the students of our University. I entirely disclaim for them any more ambitious character. I have entertained no higher design than that of laying before my pupils what I suppose to be an accurate summary of the actual state of a particular branch of the science I have to teach. I have not undertaken to enlarge the limits of that science. I have not passed over, nor have I thought myself at liberty to pass over, in silence, any material fact, or any important consideration, merely because it may have been adduced by some, or repeated by many, before me. Of those who may turn over these pages not a few may perhaps, therefore, find in them no material addition to their antecedent stock of knowledge. But to those whom I have undertaken to instruct, and for whom alone I have written, I have good reason to believe that a very large part of what they will find in these volumes will have the attraction of novelty.

In making this statement, I have no design to depreciate or to disparage my own labours. An historian aims at one kind of praise, a lecturer at another. It was no reproach to our great grammarian Roger Ascham, that he did not teach such lessons as our great critic Richard Bentley afterwards taught. The lectures which in former days you delivered to your pupils on some of the inductive sciences were, I presume, far less profound and original, than the history, which you have given to the learned world at large, of those sciences collectively.

Neither do I design to represent this book as a compilation. The plan of it, at least, is my own. In the execution of that plan I have declined no labour,

mental or bodily, which I have been able to sustain. I have examined all the authorities, original and secondary, to which it has been in my power to refer, and I have diligently meditated every result to which those investigations have appeared to me to lead. Having done so, I have freely availed myself of the aids which I have been able to derive from many of the great authors of France. To have declined such aid was not, I think, permitted to me, for I am well assured that no teacher who has not, like them, devoted a long course of laborious years to the investigation of their national archives, could habitually substitute his own conclusions for theirs, without sacrificing the interest of his pupils to the mere vanity of authorship.

The motives which forbade the great lecturers of our times, MM. Guizot, Schlegel, and Fauriel, and their more humble followers, from referring to the authorities, for every fact which they had occasion to state, have compelled me to follow their example. I have, however, referred to most of the writers whom I have chiefly employed. Yet there is one omission which I am anxious to take this opportunity of supplying. I allude to the work of M. de Choiseul—Daillecourt on the Crusades—a book far less known than it deserves to be in England, or, as I should infer, even in France itself. Having the surest grounds for concluding, that he is the best of all existing guides on that subject (vast as is the multitude by whom it has been recently handled), I have followed him with a confidence which has been increased by every test to which I have been able to subject the accuracy of his statements and quotations.

I fear that I shall appear to have been almost as forgetful of Mr. Austin's counsels as of those of Mr. Macaulay; for though, in deference to them, I have endeavoured to illustrate the municipal, the judicial, the noble, the sacerdotal, the fiscal, and the representative institutions of the old French monarchy, yet I have much more often, and more largely, deviated into topics of a more popular kind. But a brief experience convinced me, that to pursue the subject of those institutions into all their ramifications and details, and to render such discussions interesting to my young audience, it would have been necessary for me to possess all Mr. Austin's boundless acquaintance with the history of France, vivified by an imagination as rich and as sleepless as that of Mr. Macaulay. I doubt not that my successors will have to address themselves to pupils prepared to follow them into the most arid fields of historical investigation. In the present times I believe that the choice must be made between habitually handling topics of more general interest, and speaking to empty benches.

As you frequently condescended, and sometimes at no small personal inconvenience, to afford me your support and countenance by taking a seat amongst my auditors, you may, perhaps, observe that my Lectures, as they are now printed, differ in some respects from those which were actually spoken. In general they are unaltered, the words, as well as the substance, being to a very great extent retained. But with a view to perspicuity, I have in many places changed the arrangement, and have added passages which I could not have pro-

nounced in my lecture room without violating that wholesome law or custom which requires every lecturer amongst us to close his discourse as soon as his hour-glass shall have run out its sands.

Such are the circumstances under which I have written, and now publish, this book, and commend it to your protection. I have long since thought that the stories which we learned in our nurseries to the prejudice of the giants, must have been so many calumnies; for, in the whole of my intercourse with mankind, I have perceived that—a man's willingness to be pleased,—his indulgence to every honest attempt to be either useful or agreeable,—and his talent for detecting something admirable or praiseworthy in whatever he reads or hears,—are in exact proportion to his own intellectual stature. I, therefore, present this book to you, quite at ease as to the spirit in which *you* will receive and criticise it; and without even soliciting your indulgent kindness, because experience has taught me how largely and spontaneously it flows towards every one who stands in need of it.

I am, my dear Sir,

Most truly yours,

JAMES STEPHEN.

Richmond-on-Thames,
October, 1851.

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LECTURES.

LECTURE I.

ON THE DECLINE AND FALL OF THE ROMANO-GALLIC PROVINCE.

In the discourse which precedes and introduces his lectures on Modern History, my immediate predecessor has, with characteristic perspicuity, stated and resolved the problem, how his labours might best be rendered conducive to the advancement of his pupils. He states himself to have declined, as impracticable, the plan of entering into the details of any historical narrative. He informs us that, having at first indulged, he ultimately abandoned, the hope of exhibiting an estimate and summary of the workings of our common nature on the theatre of the civilised world in recent times. He appears to have at one time entertained, and afterwards to have rejected, the design of passing in review various historical epochs; and of examining into the relations which they severally bore to each other. Finally we learn that, after revolving the utility of each of these projects, he at

length adopted the conclusion, that he should most effectually improve those whom he had undertaken to instruct, by teaching them, not what the history of the world actually had been, but rather by what methods, with what views, and under the guidance of what teachers, that history ought to be studied.

Pursuing this design, Mr. Smythe proceeded to show by copious illustrations, how history might be rescued from barren details, and from generalities no less barren, and might be converted into a practical doctrine, and a nutritive science. He proposed and investigated several of the great questions to which it gives birth, and instructed his pupils by what conduct of the understanding similar problems might be elicited from the chronicles of past times, and might be resolved by the moral and political sciences of the times in which we live. He proceeded to recommend various courses of reading, adapted to the different lines of research in which his hearers might ultimately engage, and measured by the leisure, whether more or less considerable, which they might be able to bestow on the prosecution of them. He then indicated, with force and brevity, and with a candour no less generous than intrepid, what were the merits, and what the defects, of the various authors to whom they would have occasion to refer.

Great as are the obligations which Mr. Smythe has thus conferred on the University, and on the world of letters at large, an especial debt of gratitude is due to him from myself as his successor; for he has relieved me from many arduous duties, which, without his aid, it would have been incumbent on me to undertake. Assuming, and not I trust erroneously assuming, that every one who shall enter on that course of study to which I am about to direct you,

will have first carefully possessed himself of the substance of Mr. Smythe's lectures, I am able to advance at once to the accomplishment of the design which I have myself projected, and to which (as indeed to all inquiries into the history of modern times) his writings contain an invaluable introduction.

To a great extent, though not perhaps entirely, I concur in my predecessor's opinion, that it would be impossible to deliver from this Chair a connected narrative of any series of historical events. But, on the other hand, he by whom this Chair is occupied will address his hearers to no useful purpose unless they shall possess some accurate knowledge of those events to which he will have occasion to refer. Thus, it will be my endeavour to explain the relation which some of the greater occurrences in the civilised world bear to each other and to the permanent springs of human action. But to those who may be ignorant of those occurrences every such explanation must be merely empirical. The philosophy of History must be no better than so much unprofitable dogmatism, to him who does not know what are the facts of history. Truth will never exert her vital and prolific energy except in minds which have accumulated, digested, and arranged the premises from which truth is to be inferred.

But, though general principles, whether political, social, or economical, will be dormant and barren in him who is unacquainted with the premises from which they are deduced, yet an exact knowledge of those premises will often be salient as a spring of truth, and germinant as a seed of truth, in him to whom those principles have never been formally propounded. Just as an extensive intercourse with mankind will teach us more of the offices of daily

life than we can learn from the most assiduous of our solitary meditations, so we may often gather from naked historical narratives more and deeper lessons of wisdom than we can derive from any abstracted historical philosophy. This is especially true of such narratives as render us the spectators and associates of those who in former times took a conspicuous part in the great dramatic action of the civilised world. The reader of Froissart or of Philip de Comines is introduced into a society, every member, and every vicissitude, of which tacitly inculcates some affecting or some weighty admonition; and the least acute observer, when placed in a scene so glowing with form and colour, and so quickened by ceaseless movement and vitality, becomes to a great extent his own teacher. With no monitor instructing us how to draw inferences from such books, we draw them almost unconsciously for ourselves; and therefore easily apprehend, and cherish, and retain them.

The candidates for the honorary distinctions which are henceforth to reward proficiency in historical learning amongst us, will have another and more obvious, if not a more weighty, reason for studying the occurrences which connect the various epochs of history with each other. For all public examinations must, as far as possible, point at what is most absolute, definite, and certain in our knowledge. An examination in history should therefore (as I conceive) relate far more to such facts (and there are many such), as admit of no reasonable doubt; than to any philosophical theories, which, however just or profound, can hardly be exempt from some infusion of error.

What, then, are those series of facts, or what those passages of history, of which it will be necessary

that, for the present, such candidates should possess themselves? Assuredly not the whole of the various sequences of political events which have occurred in all of the nations of the civilised world since the subversion of the Roman empire—not (that is) the entire compass of Modern History. An undertaking of such magnitude would require of those who should embark in it, the abandonment of those classical and scientific pursuits to which (as I rejoice to perceive), the Senate has reserved their ancient and rightful supremacy amongst us.

But, though compelled to decline so vast and so ambitious an enterprise, may we not direct the student, first, to some synopsis of the whole range of the history of modern times, and then to some abbreviated course of reading, which shall enable him to verify and to appreciate it for himself? Many writers in France, in Germany, and in England have taken such a survey of the state and progress of Christendom during the last few centuries. Such indeed (though incidentally and indirectly) was one of the tasks which Mr. Smythe proposed to himself, and partly executed. Why not follow so eminent and so successful an example?

The answer is, that such historical outlines were drawn by Mr. Smythe, and by others, for purposes essentially different from those which I am bound to keep in view. Their design was either to prepare the future students of ancient chronicles and records for the journey awaiting them, or to enable those who had actually performed that journey to methodise, to consolidate, and to revive the knowledge acquired in the progress of it. My design is to conduct and accompany my hearers through as large a part as we may be able to traverse of that laborious pilgrimage.

If, without submitting ourselves to the fatigues and privations of the way, we should be satisfied to vault from one eminence to another, overleaping all that is wearisome in the intermediate distances, we should at best acquire but a slight and transient knowledge of the region over which we had passed, even though our flight across it had been upborne by the wit and sagacity of Voltaire, or by the far deeper and more comprehensive wisdom of Bossuet.

Renouncing, therefore, both the hope of grasping the whole of Modern History in its details, and the scheme of reducing it into the form of a compendious summary, it remains that we select, as the subject of our inquiries, the annals of some one of the states which collectively compose the European or Christian commonwealth. The state best adapted for our purpose will be that which has maintained the most intimate and influential relations with the other members of that great fraternity. If there be any people whose history may fitly be compared to a main channel to which the histories of all other nations are tributary, or which resembles a range of highlands from which extensive and commanding views of all the adjacent territories can be obtained, that narrative, at once so central and so eminent, will not only develope a connected series of events composing the corporate life or existence of one great people, but will unite and hold together much of what we are most interested to know of the national life of the other states of the civilised world. In studying such a national story, we shall neither, on the one hand, be bewildered amidst the intricacies and the multitude of incoherent incidents, nor, on the other hand, be hedged up within such narrow fences as to be excluded from an occasional survey of the simulta-

neous progress of all the European sovereignties, from their original barbarism to their actual civilisation.

There are natural feelings or prejudices which would predispose us to regard our own land as forming such a centre of the political system to which it belongs. I believe, however, that the more deliberate judgment of us all will induce us rather to assign that distinction to France. For among the temporal powers of the Western world, monarchical France enjoyed the longest, if not the most abundant, possession of whatever constitutes national greatness; such as unity and continuity of government, military power, loyalty and love of country, intellectual eminence, and skill in those social arts by which life is humanised and softened. In industry, and wealth, and commerce, in the great science of ruling man, in the love and the right use of freedom, and especially of spiritual freedom, England, indeed, has neither a superior nor a rival. In Northern Italy, it is true, art and science were approaching their meridian splendour, while France was yet scarcely emerging from mental darkness. The Germanic body, it may be admitted, was already holding in check the Papal despotism and preparing the way for the Reformation, and assuming its office of conservator of the national independence in Europe, before France had contributed anything to the general interests of mankind, or had learnt to understand or to prosecute her own. Yet, amidst disasters so fearful and so protracted as no other people have endured in modern times, the French have, during the last six centuries, from causes to be hereafter noticed, been the arbiters of peace and war in Europe; have borne to the other European states relations more intimate and more multiplied than have been maintained by any other

power with its neighbours; have diffused their manners, their language, their literature, and their ideas even among the most zealous antagonists of their power; and have irresistibly attracted the gaze, and not seldom the reluctant gaze, of all other people towards their policy, their institutions, and their wonderful succession of actors on the stage of public life among them;—of actors, whom we occasionally love and not seldom abhor;—whom we sometimes regard with admiration, but more often with amazement;—whose biographies compose the greater part of the history of their nation;—who have left no heights of virtue or of wisdom unscaled, no depths of guilt or folly unfathomed;—and who exhibit in the strongest relief every conceivable variety of human character; unless, indeed, it be that they are unable to be dull. On the history of this great people I therefore propose to enter.

The eventful scene of which, during the last six thousand years, this world has been the theatre, when interpreted by the revelation which has been made to man of the divine counsels, may be viewed as a drama of which retribution is the law, opinion the chief agent, and the improvement and ultimate happiness of our race the appointed, though remote, catastrophe. And, to pursue the image one step further, the annals of each separate state may be considered as an underplot, harmonising with the general action, and conducing to its more complete development. With the progress of time, the power of opinion has continually increased, until in these later days it has acted with a force, a consistency, and a perseverance, altogether unknown in the earlier ages of the world. From our common Christianity, from the simultaneous condensation and diffusion of the ecclesiastical authority, from the art of printing, from the

new facilities of intercourse between distant places, from the growth of great cities, of commerce, and of wealth, and from a wider intercommunity of laws and of legal customs, have at length resulted a free interchange of thought, and a general concurrence of thought, to which mankind never before attained, and a consequent union among the chief members of the great human family to which mankind never before aspired. To trace out the progress of public opinion in moulding the character and the condition of the nations, is the high office of History, and especially of Modern History. To indicate some of the stages of that progress in France, is the arduous task which I have ventured to propose to myself. How imperfectly it must be executed, within the contracted limits of the time assigned to me, it would be superfluous to explain.

The history of the French people divides itself into three principal æras. The first embraces the long and tardy passage from the Roman despotism to the establishment of the absolute monarchy under Charles VIII. and his immediate successors. The second, commencing with the accession of that sovereign and terminating with the age of Louis XIV., includes the period of the greatness and glories of that monarchy. The third, comprising the decline and fall of it, may be said to commence with the accession of Louis XV., and to be consummated at the French revolution of 1789. During the present term I shall confine myself to the two earliest of those æras.

For your assistance in prosecuting these inquiries, I could much wish to indicate to you some history of France, in our own language, which rises above mediocrity; or indeed to indicate any which does not fall below it. But I know of no such book. Even

the great French historians of their native land, who flourished before our own times, are to be read cautiously and with much distrust, for they are arraigned as ignorant, as faithless, or as narrow minded, by the most eminent of those writers in that country, who have, of late years, imparted to history a character so nearly approaching to that of the more exact moral sciences.

The earliest of those who gave to the world a complete history of France is Mezerai. His work was published exactly two hundred years ago. He makes no secret of his ignorance of the original sources of historical information; but avows himself to be a compiler from the compilations of others. He is to be studied rather as a commentator than as an historian, and is more to be admired for the courage with which he assumed and exercised in the reign of Louis XIV. a censorship on the former rulers of France, than for any accurate knowledge or profound appreciation of the course of events which he has related.

After an interval of sixty years, Father Daniel, a Jesuit, undertook to penetrate into those deeper and more remote springs of knowledge which Mezerai had neglected, and produced a work of which the earlier part is of eminent value, and far superior to the rest. His merits as an antiquarian are universally acknowledged. He is entitled to the still higher praise of being among the earliest masters in modern times of what may be called the art of historical painting. But the more closely he approached his own age, the more both his knowledge and his impartiality declined. Having shown, in the commencement of his work, how history ought to be written, he showed, in the latter stages of it, how much the prejudices of a party and a profession may disqualify

any one from being a judge of the conduct and the motives of the men of other days.

At the distance of forty years, Father Daniel was succeeded by the Abbé Velly, whose history of France was continued by Villaret, and afterwards by Garnier. This series, and especially the first part of it, once enjoyed a very high popularity, which it has still partly retained, although Velly and Villaret have gradually fallen in the estimation of the best judges. Velly is charged by them with great ignorance of his subject and with reckless plagiarisms. The fascination which he once exercised is akin to that which has obtained a permanent place in literature for Pope's translation of the "Iliad." He excelled in those artifices of style by which the thoughts, the characters, and the imagery of remote times are embellished with the refinement and the graces of the age to which the writer belongs. His continuator Villaret, on the other hand, was infected by an unfortunate taste for sentimental and declamatory writing; a habit in which he again was imitated by his follower, Garnier; who added to this misplaced rhetoric the most wearisome prolixity in insignificant details.

In the commencement of the present century, M. Anquetil published what is in effect little more than an abridgment, a very useful abridgment indeed, of the histories of Daniel, Velly, Villaret, and Garnier.

M. de Sismondi followed. His profound acquaintance with all the original authorities—his almost boundless learning—the laborious fidelity with which he has conducted his inquiries and exhibited the results of them—and the occasional though infrequent lights which his philosophy has enabled him to cast over the narrative in which he is engaged, elevate him far above all the French historians by

whom he was preceded. It must be confessed, however, that his work is heavy and wearisome — that his merits are rather those of an annalist than an historian—that he is oppressed with the multitude and extent of his own materials, and is defective in the great arts of subordinating the accessory to the principal incidents of his narrative, and of grouping characters and events into separate and definite masses. M. de Sismondi is nevertheless the writer to whom those who may accompany me in my proposed inquiries should chiefly address themselves. There is indeed, at present, in the course of publication, a new history of France, by M. Henri Martin, which, however, is still incomplete, and with which I am but very slightly acquainted. A similar and much shorter work has been published by M. Michelet, of whom, in this place, I am unwilling to say anything, because I am unable to characterise his writings except in terms which might seem to fail in the respect due to a living author who has long enjoyed much popularity, and to whom no one will deny the praise of eloquence and of learning.

In thus suggesting M. de Sismondi's history to my hearers as a text-book, I am bound reluctantly to add, that his republican principles render him the stern, and not seldom the unjust, accuser of almost all those who ever administered the government of monarchical France. His theological opinions, whatever they may be (for they are studiously kept out of sight), have made him an almost equally severe censor of all those to whom the Church has delegated the exercise not only of her usurped authority, but of her legitimate powers. M. de Sismondi's liberality is not seldom too active for his charity.

Every one is probably aware that, in the unwrought

materials of her national history, the literature of France is rich beyond the competition of any other country. The researches of the Benedictines, the memoirs of the French Academy, with the various provincial histories, have left no part of the antiquities unexplored; while her chroniclers, such as Joinville and Froissart, and her writers of memoirs, such as Philip de Comines and Sully, are at once the inventors and almost the exclusive cultivators of a style of which it is scarcely possible to say whether it is more instructive or delightful.

But I am aware that, to those who are engaged in our regular course of academical studies, it is impossible to pursue an extensive course of reading, in this or in any other department of modern history. For my immediate purpose, therefore, I content myself with referring you to a series of books, which, though not of very formidable extent, may collectively afford a sufficient survey of the history of France during the period to be embraced in the lectures which I propose to deliver during the present academical term. They are, 1st, Sismondi's History till the end of the reign of Louis XIV.; 2nd, the Abrégé Chronologique of the President Henault to the same period; 3rd, that part of Malte Brun, or of Arrowsmith's Abridgment of Malte Brun, which relates to the geography of France; 4th, the first volume of Robertson's History of Charles V.; 5th, that part of Mr. Hallam's History of the Middle Ages which relates to France; 6th, M. Guizot's Lectures on the Progress of Civilisation in that country; 7th, the Memoirs of Villehardouin, Joinville, Froissart, and Philip de Comines; 8th, Guicciardini; 9th, the first book of the History of the Council of Trent, by Paolo Sarpi; 10th, Davila; 11th, the Economies Royales

of Sully; 12th, the Life of Richelieu, by M. Jay; 13th, M. Bazin's History of France under Louis XIII. and under the Ministry of Mazarin; 14th, St. Aulaire's History of the Fronde; 15th, the Memoirs of De Retz and of Mde. de Motteville; 16th, Voltaire's Siècle de Louis XIV.; and, lastly, the Memoirs of Dangeau and of St. Simon, during the reign of that monarch.

Some attention must also be bestowed on the physical geography of France as connected with her political and social history. The limits which in our own days she has been accustomed to claim as having being assigned to her by the hand of nature, were actually enjoyed by Transalpine Gaul at the time of the invasion of Cæsar; and to a great extent even by modern France as lately as the close of the reign of Charles VIII. The Mediterranean, the Pyrenees, the Ocean, and the Rhine, from its mouths till it reaches the Alps, or their secondary chains, the Jura and the Vosges, circumscribe a territory the whole of which was once the inheritance of the Gallic race. The five great rivers by which it is watered, with their respective tributaries, constitute one great connected system of internal navigation. The high lands from which they flow, including all the country between the Alps and the lower slopes of the Vosges and the Cevennes, with the table-land of Auvergne, have ever been the fastnesses of national independence. The low lands extending from these more elevated regions to the ocean, have been the battle-fields of the successive invaders and conquerors of Gaul.

With but few exceptions the historians of France assume and suppose the existence of the French monarchy as a distinct state, and of the French people as a distinct nation, under each of the dynasties which were established successively in the persons of Clovis,

of Charlemagne, and of Hugues Capet. This misuse of words has induced much substantial error. The Frankish or Franco-Gallic empire had never really embraced more of Gaul than lies between the Rhin and the Loire, until, by the cession of the Emperor Justinian, Provence was added to it. To the Bretons, the Franks were known not as fellow subjects, but as allies. By the people of Aquitaine they were regarded only as invaders and as enemies. It was not till the dissolution of the Frankish empire, and the consequent growth of the Feudal Confederation, that even the basis can be said to have been laid of the French monarchy, properly so called. It was not till nearly two centuries had elapsed after the establishment of feudalism, that the various states of which that monarchy was at last composed, were fused into one great political body. The history of France, and even the separate existence of France, begins, therefore, not with the first dynasty, but with the third; not with the conquests of Clovis, but with the election of Hugues Capet.

It might seem to follow that the inquiries into which we are about to enter should also commence with that election; and that inference might perhaps be just, if my object were to investigate the incidents, political and military, which distinguished the reigns of the Capetian monarchs. But as I propose to consider chiefly, if not exclusively, the formation and growth of the civil government, and of the national institutions of the French people, it will be necessary to advert to the state of Gaul both at the dissolution of the Roman empire and during the existence of the empire of the Franks, before we attempt to study the progress of France under the third and latest dynasty. For, unless our retrospect be carried back to the foun-

tains, we shall in vain attempt to trace the current of the constitutional history of that kingdom. I cannot indeed promise much entertainment from such a retrospect. Whoever engages in it must prepare himself for much which, if not barren, may at least prove wearisome and uninteresting. Yet the general problems which he will have to consider are not very numerous. They may all be resolved into the five following inquiries. *First*, What were the nature and what the causes of those changes, social and political, which conducted Gaul from the state of a Roman province to that of a feudal sovereignty of princes confederate with each other, but all subject to one common head or suzerain? *Secondly*, What was the real character of that feudal sovereignty, and what its influence on the future condition of France? *Thirdly*, What were the causes, social and political, which conducted France from the state of a feudal confederation to that of an absolute monarchy? *Fourthly*, What was the real character of that monarchy, and what its influence on the future condition of France? And, *fifthly*, What were the causes of its decline and of its fall at the French Revolution of 1789?

Lightly as the hours at my command here will enable me, at any time, to touch on all or any of these topics, I shall not, in the present academical term, be able to reach the fifth and last of them; and, for reasons to be hereafter explained, I shall pass over in silence the second, which respects the character and influence of the feudal system. To render my plan regarding the rest as intelligible as may be to my hearers, I proceed to state what are the more specific questions, which I propose to consider under each of the three other general heads to what I have already referred.

1. I design then, first, very briefly to inquire, What were the internal causes which detached the Romano-Gallic province from the empire of Rome, and transferred it to the dominion of the Franks?

2. I shall next attempt to explain, why the first Frankish Dynasty (that of the Merovingians) was superseded by the Dynasty of Pepin in his own person, and in the persons of his Carlovingian descendants?

3. The character and influence of Charlemagne will then engage our attention.

4. We shall have to consider, why, in the persons of his descendants, the Carlovingian dominion gave place to the Feudal Confederation under the suzeraintè of Hugues Capet?

5. Next in order will be the inquiry into the creation or development of the Municipalities of France as one of the means of subverting the Feudal, and of elevating the Monarchical power.

6. We shall endeavour to trace the influence of the Crusades in producing the same results.

7. The manner in which those results were promoted by the Crusade against the Albigenses; that is, by the invasions of Southern by Northern France, will then be considered.

8. Our next problem will be—In what manner the Judicial system and institutions of France promoted the Monarchical at the expense of the Feudal dominion?

9. We shall then consider why the authority of the Privileged Orders of France, Sacerdotal and Noble, did not avert the growth of the absolute dominion of the French monarchs?

10. I shall attempt to show why the growth of that Monarchical despotism was not arrested by the States-General of France?

11. It will afterwards be necessary to inquire why it was not arrested by that power of the purse which belonged, at least in theory, to the Seignorial Courts and to the States-General?

12. I propose to investigate the reasons why the Reformation did not yield in France its appropriate fruits of civil liberty?

13. In immediate connection with that subject I shall (as far as my time will allow) enter on the corresponding inquiry, why Literature, the mother of freedom in other lands, failed to give birth to it in Monarchical France?

14. Passing to the consideration of the real character and influence of that Monarchy, I hope to explain the transition from the paternal rule of Henry IV. to the stern despotism of Richelieu.

15. The struggle of the Fronde for constitutional freedom and the administration of Mazarin will then occupy our attention.

16. We shall afterwards pass to a review of the government of France under Colbert; and,

Finally, my lectures for the present term will close with an attempt to estimate the administration of that government by Louis XIV. in person.

Recurring to the preceding arrangement, I now proceed, though very briefly, to inquire, What were the internal causes which detached the Romano-Gallic province from the empire of Rome and transferred it to the dominion of the Franks?

Hereditary international hatred has never exhibited itself with more bitterness or greater deformity than between the Romans and the Gauls. The "proprium atque insitum in Romanos odium," which Livy ascribes to the Gallic people, was repaid by an enmity not less inveterate. During very nearly five cen-

turies the two nations waged against each other an internecine warfare; and, from the time of Brennus to the days of Hannibal, the advantage was, almost invariably, with those whom Rome characterised as Barbarians. After their victory at Allia, their entrance into the city, and their siege of the capital, they devastated the Latian territory throughout seventeen successive years. At the head of the great Italian confederacy, their descendants encountered consular armies at Sentinum, at Aretinum, at the Lake Vadimon, at Fesulæ, and at Telamone. In the first Punic war they undertook the defence of the Carthaginian cities in Sicily. In the second, they composed a large majority of the force with which Hannibal triumphed at Placentia, Trebia, Thrasymene, and Cannæ. They followed him to Africa, and partook of his defeat at Zama. And then came the day of fearful retribution. Expelled from Italy, invaded in Gaul, compelled to witness the settlement among them of the Roman colony of Narbonne, and to cede to Rome the province, afterwards known as Gallia Narbonensis, the Gauls had also to undergo in their conflict with Marius that defeat which half exterminated their Kimric or Belgic tribes; and for which Rome hailed the conqueror as her third founder, and poured out libations to him as to a God. And then appeared to the north of the Alps the greatest of the warriors, and perhaps the greatest of the historians whom Rome has produced; whose genius is, however, insufficient to rescue from abhorrence the carnage which he both accomplished and recorded. The best apology of Cæsar is, that he was the avenger of the wrongs and humiliations of centuries. The best eulogy on the Gauls is, that even he, detailing with a hostile pen his relentless warfare against them, has

drawn a picture with which the annals of Rome itself have nothing to compare as an exhibition of national heroism. Distracted as they were by dissensions between the different races, the different cities, and the different parties in the same cities of their common country, they balanced during nine years the arms of the wealthiest, the most powerful, and the most warlike of the nations of the earth, conducted by the greatest of her commanders, and possessing the advantage of a secure basis for their military operations in the Roman colonies on the shores of the Mediterranean. Nothing which either virtue or courage, craft or desperation could suggest, was left unattempted for their defence. The Dugueselins, the Colignis, and the Condés of a far distant age might pass for antitypes of Ambiorix, Dumnorix, and Vincingetorix, and of the other Gaulish chieftains whom the pen of Cæsar has delineated. Defeated, but not subdued, they prolonged their struggle for independence during more than a century after his death; nor was it till the reign of Vespasian, that, finally assuming the character of a Roman province, Gaul adopted the institutions, imitated the manners, and acquired the language of Rome.

Two centuries of comparative tranquillity succeeded. If the eye be directed merely to the surface of society during that period, it may be depicted in the most brilliant colours. From the Mediterranean to the Scheldt might be numbered 115 cities, rivalling those of Italy in wealth, in population, and in architecture. Of these, Trêves and Arles had the character of capitals. Aix-la-Chapelle, Cologne, and Strasbourg, frequently became imperial residences. In each of these cities was a municipal government, of which Rome herself supplied the model. All the arts which minister to the luxuries of the rich,

flourished in them. The nobler pursuits of learning were widely cultivated in schools established there by Augustus, and enlarged by Claudius. From Pliny and Juvenal we learn how large was the demand for books at Lyons, and how great the eminence of the rhetoricians of that city. Terentius Varro and Trogus Pompeius amongst historians, Cornelius Gallus and Petronius amongst poets, were either natives or inhabitants of Gaul. In the letters of Pliny may be read an account of the purchase made by one Gallic city of a statue of Mercury, on which a Greek sculptor had bestowed ten years' labour, and for which he declares that the incredible sum of forty millions of sesterces, or about 320,000*l.* sterling, was paid. In the eleventh book of the Annals of Tacitus may also be seen an account of the elevation and fall of Valerius, a native Gaul, whose story illustrates the facility with which, in those times, the highest dignities of the empire could be attained by the wealthy and powerful natives of that once abhorred and dreaded race.

But if we penetrate below the brilliant surface of civic society we may, with equal truth, employ the darkest colours in depicting the state of Gaul between her final submission to Rome and her subjugation by the Burgundians, the Visigoths, and the Franks. The changes which the habits, and, with them, the opinions of the people underwent in that interval, may be considered as relating, first, to their nationality; secondly, to their civic institutions; thirdly, to the public revenue; fourthly, to their social condition; fifthly, to their language; and, lastly, to their religion.

First then, when invaded by Cæsar, and when finally subjugated under Civilis, Gaul was inhabited

by three distinct races of people, among each of whom the sentiment of national unity manifested itself in public spirit, with all its attendant virtues, and, in antipathy to their neighbours, with all its attendant crimes. But when Gaul had become a mere Roman province, that sentiment became rapidly, and altogether, extinct. Under the successors of Vespasian, the conquered tribes no longer thought of themselves as belonging to Aquitaine, or to Belgic or to Celtic Gaul. But neither had they learnt to consider themselves as citizens of the Western empire. They heard of the rise and fall of new Cæsars, of imperial victories and defeats, of invasions of Italy, and of mutinies among the prætorian guards, with the kind of indifference with which we may suppose the people of the Carnatic to have received the intelligence of our recent wars in the Punjaub, or of the succession of governors-general at Calcutta.

It appears indeed, from a fragment of Livy, that Augustus convoked a general assembly of the Gauls at Narbonne; and, at the distance of a hundred years, a similar assembly seems to have been held at Rheims, to arrange their final submission to his successors. But no subsequent mention occurs of any such national convention until the fifth century, when Honorius made an attempt to revive their ancient diets as an instrument of defence against the Barbaric invaders. The living spirit had then, however, passed away, and the dead form was evoked in vain. The sentiment of nationality was no more. The love of country was extinct, and with it had departed the best security for virtue, for courage, for freedom, for individual safety, and for social happiness.

But, secondly, the civic institutions of Gaul, even

in her provincial state, might seem to have been well adapted to nourish and to shelter among her people this national spirit. For, in appearance at least, her cities were governed by the same polity to which Rome herself, and the great body of her allies, had been indebted for their greatness. In the days of the republic, Marseilles and the adjacent Greek settlements, Narbonne and the other Roman colonies, had become rich and powerful, and had enjoyed their full share in the dominion of Rome. But in the second and three following centuries, the cities of the Gallic province retained nothing of free municipal government but the hollow and deceptive semblance. Their magistracies had ceased to be electoral. All civic offices were divided amongst a small local aristocracy, who were called to the discharge of them in rotation or by lot. The great mass of the inhabitants of the cities was composed of emancipated slaves, or of proprietors or cultivators of land who had sought within their walls a temporary refuge from oppression. Imperial rescripts continually interfered with the trades and common business of life, with the franchises of the citizens, and especially with the franchise of local legislation. But the decay of the municipal greatness of Gaul was induced chiefly by the edicts which imposed on every municipality that fiscal office, to which, in modern France, was given the title of Farmer-General. The Curiales of each city were made responsible to the imperial treasury for the annual revenue, not only of the city itself, but of the whole circumjacent territory. It was their duty to remit these funds to the Prætorian Prefect at Treves, or to his vicar at Arles. They were bound to levy and equip the proportion, for which their city was responsible, of the recruits annually raised for the

imperial army. They were required to provide for the conveyance and maintenance of all persons travelling at the public expense through the districts under their superintendence. To acquit themselves of these various obligations, the Curiales had to apportion the consequent expenditure between the inhabitants both of their city and of the adjacent district. They were thus placed in a position at once the most invidious and the most dangerous. They had to answer the insatiable demands of the imperial treasury, and to encounter the discontents, the resistance, and the evasions of the contributors. To participate in a municipal government thus came to be regarded, not as an honourable distinction, but as an unwelcome responsibility. In the Justinian code may be found many rescripts overruling claims for exemption from this service, although in some of those cases the grounds alleged by the claimants would seem to have been irresistibly strong.

Thirdly; the change which the Roman conquest effected in the financial or fiscal system of Gaul was even yet more fatal to the happiness and character of the provincials. Laws, till then without example, were promulgated by the emperors for the supply of the wants of the Roman treasury. No national revenue, in the proper sense of the word, had ever been levied in Gaul while her people were still independent. But the conquerors crushed the conquered people beneath a burden of direct and improvident taxation, from which they had no longer the energy to escape by resistance and revolt. A land tax, rising to the almost incredible amount of one third of the net produce of the land, rendered agriculture the most unprofitable, as, for other reasons, it was in those times among the most hazardous, of all the

employments of capital. To enhance both the rigour and the absurdity of this impost there was a new assessment, or, as it was called, indiction, every fifteenth year, when the contribution to be made from every farm was determined according to the increased or diminished productiveness of it. Nor was the cultivator entirely secure that, even during that term, his liability to the fisc might not be increased; for on any urgent occasion the Prætorian Prefect might enhance it by what was denominated a superindiction.

By confiscations, or by the right of succession to landowners who had died childless and intestate, the emperor became possessed of an immense territory in every part of Gaul. Such estates in such hands were of course unproductive. As the imperial proprietor was no longer able to collect the land tax from these districts, so he found himself also unable to derive any rent from the greater part of them. Under the pressure of the indiction, farmers could not be found to till the soil. Many tracts of it were therefore abandoned, and many were assigned to discharged soldiers, to be held on a species of military tenure. Such was at length the depreciation of this property that, as we learn from still extant rescripts, an indefeasible title to public lands in the province was created in favour of any one who should occupy and cultivate them during the period of only two years. At first sight this unproductiveness of the public lands might appear rather as a waste of the public resources, than as a direct fiscal oppression. But the fact is otherwise. To promote the culture of these unprofitable imperial domains were invented *corvées;* that is, the obligation of personal services in conveying the produce of such lands to the public magazines, and in repairing the roads along which it was to be drawn.

To the land tax and the corvées the rapacious and ignorant financiers of Rome added a poll tax payable by every female from the age of twelve, and by every male from the age of fourteen to the age, in either case, of sixty-five. The amount, however, seems to have differed really, though not avowedly, with the circumstances of the contributors. The maximum per head was about eighty shillings of our money, but it was customary, because it was inevitable, to allow a considerable number of poor persons to pass as a single person, and to make up among them the required payment.

The pressure of these accumulated burdens was continually augmenting. As one tract of land after another was thrown out of culture, the indiction on the rest became more and more oppressive. As increasing poverty diminished the number of those who could contribute the full amount of their poll tax, the demands on the less indigent rose in exact proportion to the deficiency. The besom of fiscal oppression swept over the land as if the locust or the tempest had passed across it. The exactions of the tax-gatherer beginning by the discouragement of industry were followed by dejection, by distress, by disease, and by depopulation.

And yet, fourthly, the Roman conquest produced results still more disastrous than these on the social condition of the Gallic people.

While Gaul was yet independent, society had been divided into three classes, consisting first of the free warriors and proprietors; secondly, of their clients or vassals (*ambacti*); and, thirdly, of their slaves. A Highland chieftain of the 17th century with his clansmen may represent to us the relation which subsisted between the two first of those classes. A body of English serfs of the 12th century, *adscripti glebæ*,

may stand as antitypes of the third; for the Gallic slave was sometimes the fellow-workman and sometimes the partner of his owner. In a country where manual labour was abundant, and where the owner and the slave toiled together in the same fields, partook of the same repasts, and slept beneath the same roof, the bitterness of slavery could be scarcely known.

But when Gaul was merged in the body of the Empire, an entire social revolution followed. While war had greatly diminished the number of manual labourers, a change of manners had greatly enlarged the demand for such labour. The old Gallic chieftain began to aspire to the dignities, the indulgences, and the immunities of a patrician, or rather of a noble of Rome. Adopting the ideas, and with them the habits, of the Italians, he dispossessed and destroyed that class whom we call the yeomanry—the very heart of the Gallic people, the true nation itself. He ejected his old tenantry or clansmen from their ancient holdings, to constitute from the aggregation of them one of those vast estates or latifundia which were cultivated entirely by slaves, for the behoof of the proprietor alone, and to which Pliny and Columella joined in ascribing the ruin of Italy. From that vast territory he drew the means of boundless self-indulgence, but left to the husbandmen nothing beyond the most scanty allowance of the bare necessaries of human existence. When they were hurried by fatigue, by want, and by sickness to premature graves, he recruited their number from the Roman slave markets. During his habitual residence at Rome, or Baiæ, at Narbonne, or Toulouse, he was represented at his domain by the Villicus, a middle man, who had also his fortune to wring out of the unrequited toils

of these miserable bondsmen. Whoever is informed of the state of a West Indian plantation before the abolition of slavery, and of the relations in which the absent owner and resident manager then stood to each other and to the Negroes, has before him a lively image of an estate in Provincial Gaul in the 2nd and 3rd centuries of the Christian era. Whoever knows what was the effect of that system on the waste of human life, may estimate the depopulating effects of slavery during 200 successive years in Provincial Gaul.

Fifthly; the disappearance of the Celtic language in Gaul during the æra of its provincial dependency on Rome, affords perhaps the most impressive of all illustrations of the sufferings of the people in that period. From the Rhine to the Pyrenees a single tongue, though moulded into several different and very dissimilar dialects, was spoken in the time of Julius. It was confined to Armorica in the time of Clovis. In the intervening centuries, it had been entirely laid aside throughout the rest of Gaul. By the powerful and wealthy proprietor it was regarded with contempt as a remnant and a badge of ancient barbarism. With his fashionable guests at his villa he conversed in Latin, with grammarians and rhetoricians at the capital in Greek, with his bailiffs perhaps in Celtic. Gradually, though more slowly, his slaves also abandoned the use of that vulgar idiom. They invented a kind of patois in which to make themselves intelligible not only to their superiors, but to their fellow-bondsmen, who had been brought together from many distant lands. So universal was the change that they even lost their national appellation, and at the time of the Frankish invasion and conquests were universally spoken of not as Gauls, but as Romans. From this singular com-

promise between the copious speech of Cicero and the rude discourse of Caractacus, at length emerged that language which excels all others, now vernacular among men, in the precision and delicacy with which it discriminates all the more subtle forms of thought, and all the fluctuating shades of emotion. French bears to Latin the same relation in which English stands to Anglo-Saxon; but there is this most significant distinction, that in France the language of the superior, in England the language of the subordinate, race forms the basis of the modern nomenclature.

But sixthly. While these changes were in progress there was silently at work another, a more mighty and a more enduring revolution. I refer to the introduction of Christianity. This is a subject on which it is not possible that I should be silent. But neither is it possible that I should handle it without the risk of inducing some misapprehension. It will be my careful endeavour to obviate that danger. In referring to the diffusion of the Gospel in Gaul, I shall view it only as one of those great events, or rather as one of those chains of events, by the collation and interweaving of which the political or social history of mankind is constructed. I shall pass by in total silence the controversies, theological or ecclesiastical, with which such inquiries are so often allied. Those so much agitated questions respecting the government, the worship, and the doctrines of the ancient Church, are equally beyond my province and my competency.

The earliest of the great conquests of Christianity were effected in the East. In the Western empire it triumphed more tardily. Notwithstanding the zealous efforts of so many French antiquarians to give a more remote date to the establishment of the

principal seats of episcopacy in France, it is difficult to find any authentic proof of their existence before the middle of the 3rd century. At that era were founded the churches of Tours, Clermont, Paris, Toulouse, Arles, and many others. None of the Gallic ecclesiastical writers, whose works or whose names are still extant, flourished before that time. But in the next or fourth age, Gaul became, in appearance at least, exclusively Christian. An hereditary, though secret, paganism lingered indeed among the wealthier and more powerful of the provincials; nor was the religion of the Druids without its adherents among the poorer classes of society, especially in Armorica. But neither the courtiers nor the meaner subjects of Constantine and his successors aspired to the crown of martyrdom in defence of their ancient superstitions, or hazarded any open avowal of them.

Yet the spirit of martyrdom, if it had existed, would not have died away from the want of active exercise. The offering of sacrifices to idols was prohibited by one Christian emperor, under the penalty of death. Armed bands under the immediate direction of the prelates of Gaul cast down the shrines of the false gods, both of the Roman and the Celtic mythology. Their worshippers were interdicted from all lucrative pursuits, and excluded from all honourable stations and employments. In the times in which our lot has fallen, it is easy to condemn these excesses, and to perceive how blind was the zeal in which they originated. For persecution has no longer any open apologists amongst us; nor is any one at this day ignorant of the arguments which have discredited and rebuked it. But, even now, how difficult, if not impossible, is it to determine with absolute pre-

cision, the limits and extent of the duty of toleration? Like all our other duties, indeed, it rejects the bondage of any peremptory definition; and the indistinctness of our own thoughts on the subject in these enlightened days may perhaps suggest good reasons why we should regard with indulgence the errors of the rulers of the Church at that remote period.

But suppose them to have been as unpardonably erroneous as they are esteemed by their modern French censors, still it is simply absurd to compare them (as those censors have done) to the sanguinary missionaries of the creed of Mahomet. To ascribe to the sword the progress of the Christian faith in Gaul, is not only to substitute conjecture for proof, but is to depend on a conjecture utterly gratuitous and improbable. Heathenism needed no such keen weapon for its overthrow. It had cast no deep roots in the conscience, the affections, or the intellect of mankind. It fell in Gaul as it has fallen elsewhere. It expired among the more zealous few, beneath the genial influences of the Gospel. It expired among the apathetic multitude, beneath the worldly influence of fashion, of example, of great names, and of the shiftings of public opinion. Christianity was first the consolation of the slave. It at length became the boast of the emperor. Thenceforward it advanced conquering and to conquer, with a power which the sword could not have materially aided, and could not have at all arrested.

It is however asserted that the Church extended her dominion in Gaul by other arts, which, if less criminal than those of persecution, were scarcely less unhallowed. From the piety or the fears of the emperor, the clergy extorted (such is the charge) an exemption from the capitation tax which so sorely

oppressed the other members of society: By the same means they are said to have obtained the edicts which authorised them to accept the testamentary donations of their wealthy penitents; and they are accused of having taught the dying and the sick that the Deity would be most effectually propitiated by transferring to his ministers the inheritances of their children. It is further imputed to them, that, advancing one step further in this mercenary career, they procured the enactment of laws which delivered their own lands from the indictions and superindictions to which every other class of proprietors was liable. The triple immunity thus acquired from the poll tax, the corvées, and the land tax, is therefore arraigned as fraudulent, and invidious, and unjust.

To deny that in the 4th and 5th centuries the priesthood were often chargeable with cupidity, and the laity with superstition, would indeed be a hopeless task. Let it be assumed that the crafts of the one, and the follies of the other, were as extravagant as they appear in the satirical portraitures of the most bitter of their modern antagonists. Yet there are more forms of bigotry than one. There have been philosophical as well as sacerdotal bigots. The narrowness of mind to which no secular interests but those of churchmen appear of any account, is not more pitiable than the narrowness of mind which refuses to accept, or is unable to appreciate, any secular advantage accruing to society at large, if the clerical order happens to be the channel of it. If it be right to condemn the fiscal tyranny of the Roman rulers of Gaul, it can hardly be also right to condemn those sacerdotal claims, and those imperial concessions by which the range of that tyranny was narrowed. If poverty was the withering curse of the people, it

can scarcely be just to censure rigidly the only laws which promoted the accumulation of capital among them. If the general neglect of agriculture was depopulating Gaul, the clergy were not perhaps very culpable in acquiring the wealth, and with it the security, by means of which they were enabled to cultivate many large though neglected districts in that province. It is agreed that the policy of the state was deplorably shortsighted and oppressive. Why then maintain that, in counteracting it, the policy of the Church was either improvident or unjust?

The Church is next arraigned as selfish and ambitious because it formed itself into a vast clerical corporation living under laws and usages peculiar to itself, and not acknowledging the jurisdiction of the temporal tribunals. That the churchmen of the 4th century lived beneath a ruthless despotism, no one attempts to deny. That they opposed to it the only barrier by which the imperial tyranny could, in that age, be arrested in its course, is equally indisputable. If they had been laymen they would have been celebrated as patriots by the very persons who, because they were priests, have denounced them as usurpers. If the bishops of the 4th century had lived under the republic they would have been illustrious as tribunes of the people. If the Gracchi had been cotemporaries of Theodosius, their names would have taken the places which Ambrose and Martin of Tours at present hold in ecclesiastical history. A brave resistance to despotic authority has surely no less title to our sympathy if it proceeds from the episcopal throne, than if it be made amidst the tumults of the forum.

But the association of ideas, so inveterate with some of our contemporaries in France, which regards the mitre as incapable of an alliance with the cause of civil liberty, has induced some of them to impute it to the bishops of the 4th century as an offence, that they were so commonly raised to that office by the clamorous suffrages of the people at large. How extravagant the prejudice which is thus directed against the one element of popular freedom then extant in the empire, because it ministered to the influence of the priesthood! How strange the inconsistency which, while it regrets the extinct comitia of the Republic, resents and condemns the new-born comitia of the Church!

It is impossible to ascertain, as indeed it would be superfluous to inquire, how far unworthy, or secular, or narrow motives prompted the measures to which the sacerdotal order were indebted for their wealth, their privileges, and their greatness? Doubtless such impulses actuated the great majority of their number in a greater or less degree, and more or less consciously to themselves. The clergy of those times partook of the common infirmities of our nature, and of the faults characteristic of their age. But that their evangelical labours were attended with the most beneficent results—that the Church became in the Romano-Gallic province, as in all other lands, the very salt of the earth—that her genial influence penetrated in many directions to the interior, and was diffused almost universally throughout the surface of the provincial society—all this might have seemed too trite and too obvious for any formal assertion of it, if peculiar circumstances had not tended to cast an unmerited shade over the history of that branch of the Church Universal.

As Saiût Augustin in Africa, so Salvian in Gaul, denounced, in unmeasured terms, the pollutions, the cruelties, and the crimes of the Christian world, and especially of those among whom they lived. They believed and taught that the Deity had summoned the Barbarians from the North as his scourge to punish the spiritual apostasy of a guilty people. The invectives of Salvian have recently been quoted, and his gloomy colours reproduced amongst ourselves, by learned writers, who were pledged by the necessities of their argument to depreciate ancient Christianity as it existed in the 3rd and 4th centuries in Gaul. If those controversialists had used equal diligence in investigating the moral condition, not of Gaul only, but of the Western empire at large, when Christianity first triumphed there, they would probably have attributed less weight to Salvian's charges against the early Church. They would have observed that the Christian converts, pourtrayed on his canvas, were no other than that thoughtless multitude who followed Julian as they had followed Constantine, and as they would (if necessary) have followed Zoroaster or Budhu. The Roman empire did not lay aside her deformities, or change her real character, because a servile mob had erected the Cross amidst the ruined shrines of Ceres or of Pan. When plunged into those mephitic vapours, the lamp of the Gospel could not glow with its true and native brilliancy. Consider the exhibitions of depravity with which, in glancing over the history and the literature of imperial Rome, the eye is every where revolted. Bear in mind the narratives of Suetonius, and the delineations of Juvenal. Reflect on what we know or believe (on too conclusive evidence) of their domestic

habits as illustrated by the relics of Pompeii. Review the proscriptions of the Triumvirates, the exterminating wars of Cæsar and his successors, the slave-markets and Ergastula of Rome, her enervating luxury, the sanguinary exhibitions of the Circus, the iron bondage in which she held the dependent nations, the guilty rites with which so many of her heathen temples were polluted, and the remorseless persecutions of the Christians throughout the Empire, and then judge whether even Christianity itself could have contended, with immediate success, against such an accumulation of crime and wretchedness. It was no part of the design of the Gospel to change the conditions on which we hold our sublunary existence, or to abrogate the fundamental laws of human society. Those conditions and those laws require that the guilt and folly of ages shall be expiated by ages of calamity and distress. It is true, indeed, that as Sin converted the Garden of Eden into a desolate wilderness, so is it the ultimate destination of our holy faith to make that wilderness once more blossom as a garden. But not immediately, abruptly, or as by the working of some magical incantation. The great scheme of Providence is not superseded by the great scheme of Christianity. It is no less true now than it was true before that revelation, that the improvement of nations and the growth of their social happiness, must be a deliberate and a tardy process, to be pursued through many a painful reverse, and through much purifying affliction. Yet, the leaven which is at length to pervade and vivify the whole mass is never altogether inert, impassive, or ineffectual. It never has been so in any land; it was never really so in Provincial Gaul. When Salvian was deploring

her sins and predicting her punishment, the minds of the Gallic people were doubtless really, though silently, imbibing much of the higher and the holier influences of the Gospel and of the Church among them. These it was not given to his or to any human eye to penetrate. Yet we may rejoice to know and to acknowledge that in Gaul the early Church was the one great antagonist of the wrongs which were then done upon the earth — that she narrowed the range of fiscal tyranny — that she mitigated the overwhelming poverty of the people —that she promoted the accumulation of capital— that she contributed to the restoration of agriculture —that she balanced and held in check the imperial despotism—that she revived within herself the remembrance and the use of the great franchise of popular election—and that the gloomy portraits which have been drawn of her internal or moral state, are the mere exaggerations of those who would render the Church responsible for the crimes with which it is her office to contend, and for the miseries which it is her high commission effectually, though gradually, to relieve.

I might add that, in the same age and country, the Church commenced her warfare against domestic and prædial slavery—a warfare of which the vicissitudes and the results embrace a field of inquiry on which it will be impossible for me to enter on the present or indeed on any future occasion. I regret this inevitable omission the less, because the influence of the Church in extinguishing slavery has lately been discussed among ourselves with a copiousness and a learning which, while it makes competition needless, would also render it very formidable.

With this very brief and general sketch of the condition of the people of Gaul during the period in which, having lost their independence, they became members of a province of the empire, I close this lecture. In the next which I shall address to you, I propose to review the state of Gaul and of its inhabitants during the period in which it formed one great member of the empire of the Franks.

LECTURE II.

ON THE DECLINE AND FALL OF THE MEROVINGIAN DYNASTY.

THE problem which, in my last lecture, I proposed for our consideration to-day may be stated in the following terms: What were the causes of the transfer of the France-Gallic empire from the First to the Second Dynasty, from the lineage of Clovis to that of Pepin? The corresponding problem which will hereafter engage our attention is, What were the causes of the transfer of the dominion of France from the Second Dynasty to the Third, from the lineage of Pepin to that of Hugues Capet? With a view to the distinct explanation of the answer which I have to make to each of those questions, it is necessary that I should begin by reminding you, however briefly, of the chief of those occurrences which attended the growth, the decline, and the fall of the sovereignty of the Franks in Gaul.

Towards the end of the 4th century, the great

body of the Gothic nation were settled in Thrace as the mercenary defenders of the empire of the East. There the Visigoths, or Western Goths, elected the terrible Alaric as their king or general, and marched under his guidance to the capture and desolation of Rome. On his death in 412, Ataulph, his successor, entered into an alliance, both domestic and political, with Honorius, who still maintained at Ravenna the faint image of the empire of the Cæsars. His sister Placidia became the wife of the Gothic chief, who, at her persuasion, condescended to assume the character of a Roman general, to march beneath the imperial standard into Gaul, to crush the rivals of Honorius in that province, and to accept, from his hands, the investiture of a Gallic kingdom, of which the Mediterranean, the Ocean, the Pyrenees, and the Loire were the boundaries. It was called the kingdom of the Visigoths, and was governed by Ataulph rather in the spirit of a Roman officer, than in that of an independent sovereign. He acknowledged the authority of Honorius, and received from Ravenna edicts establishing laws, tribunals, and municipal offices amongst his subjects, whether of Gothic or of Gallic origin.

At nearly the same time, and by means not dissimilar, another kingdom was acquired on the eastern side of the Gallic province by the Burgundians. That name is said to have been given to them by the more nomade tribes of Germany, in scorn of their effeminate taste for towns and settled habitations. If so, it may reasonably be inferred that they were less barbarous than the other Teutonic people; but they were certainly not less warlike. They had marched from their abodes on the Vistula towards the right bank of the Rhine, and were wandering there in

quest of new settlements, when they crossed the river as auxiliaries of Jovinus, one of the Gallic aspirants to the purple. To him it proved a fatal alliance. The Burgundians sent his head to Ravenna as a peace offering to Honorius, who rewarded their treachery by a grant of territories extending from the Lake of Geneva to the junction of the Rhine with the Moselle. From them the great province of Burgundy derived its name; and there they formed a monarchy which was virtually independent; though they also were content to act as the soldiers, and even as the vassals, of Rome until the latest shadow of the imperial majesty had faded away in the person of Augustulus.

In the same age, a confederation of Germanic tribes, known collectively by the generic name of Franks, had established themselves along the eastern banks of the Rhine, from its mouths to its junction with the Maine; and throughout the whole of that region of which the Rhine is the northern, and the Meuse the southern, boundary. Of these tribes the most eminent were the Salian and the Ripuarian. The kings or leaders of each of them were denominated Meer-wigs (that is, Sea Warriors), a title which they afterwards transmitted to the Merovingian, or First Frankish, Dynasty.

The earliest of these monarchs who belongs to authentic history is Clovis, who, towards the end of the 5th century, marched from Tournay and the Tournesis at the head of the Salian Franks to the invasion and conquest of the Gallic province. With the aid of his confederate Frankish tribes he subdued it all except Armorica, and the kingdoms of the Visigoths, and the Burgundians. He was himself subdued by the charms of Clotilda, a Burgundian princess, who became at once his wife and his chief councillor. At

her instance he embraced Christianity, and then plunged into a new and hazardous war with the Visigoths, in reliance on what she had taught him to regard as miraculous omens of success. Like so many other conquerors, Clovis found in religion a pretext for the crimes which religion most sternly condemns. The Visigoths were Arians, and he the single monarch of his age who adhered to the confession of Nicæa. After a great, though incomplete, triumph over his heretical neighbours, he died in the year 511; and transmitted to his four sons a sovereignty extending from the Elbe to the Garonne, and embracing all the possessions of the Franks on either bank of the Rhine.

The Frankish army divided this inheritance among the sons of Clovis, though in such a manner as to give to no one of them a continuous or unbroken territory. But under this divided rule, the empire of the Franks grew rapidly, both in power and in extent. Burgundy and Thuringia were conquered; and Franconia, Saxony, Bavaria, and Suabia were compelled to become members of the Frankish confederation. At the distance of a quarter of a century from the death of Clovis, all his conquests in Gaul and Burgundy—united to Savoy, Switzerland, Belgium, and to nearly the whole of Western Germany—constituted one formidable state, which acknowledged the dominion of his sons.

When another quarter of a century had expired, the family of Clovis was extinct, except in the persons of the four sons of Clotaire, his youngest son. Again the army effected a fourfold apportionment of the Frankish empire. To each of the heirs of Clovis they assigned one of the four kingdoms of Aquitaine, Burgundy, Neustria, and Austrasia—the two last,

as the words imply, lying respectively to the west and to the east of each other; the boundary common to them both consisting of an irregular and imaginary line drawn from Bar-sur-Aube to the mouths of the Scheldt. The confederate states of Germany were attached to Austrasia.

With this second partition commences the decline of the Merovingian Dynasty. A child in his sixth year having been acknowledged by the Austrasians as their king, the Germans beyond the Rhine indignantly detached themselves from the empire of the Franks; while an officer, with the title of *Major Domûs*, or Mayor of the Palace, was appointed to govern the Austrasian kingdom during the minority of the infant sovereign. It proved a disastrous innovation and a fatal precedent.

At the commencement of the 7th century the only surviving descendant of Clotaire was his grandson, Clotaire, the second of that name. Each of the four monarchies of Aquitaine, Burgundy, Neustria, and Austrasia, therefore, acknowledged him for their king. It was, however, a merely nominal allegiance. All real authority had passed to the mayors of the palace, and thenceforward the Merovingian sovereigns were but so many royal phantoms, enjoying the luxuries, and maintaining some of the pomp and pageantry of kings, but powerless alike in the council and in the field.

This real though disguised revolution gave birth to other changes in the Franco-Gallic government. Many of the chiefs or captains had received either local commands, or extensive grants of land, and constituted an aristocracy strong enough to negotiate, and to contend on equal terms, not only with their feeble monarchs, but also with the mayors who

really governed both the palace and the kingdom. Among these magnates, the most eminent was Pepin of Heristal. Under the modest title of Duke of Austrasia he had become the real ruler of that kingdom, and progressively added to that dignity, and to his own extensive territories, the office of Mayor of the Palace both in Burgundy and in Neustria. When the aristocracy had thus triumphed in the person of Pepin, not only over the titular sovereign of the Franco-Gallic empire but also over the mayors of the palace, its real sovereigns, he laboured assiduously, and with good success, to confirm his power by aristocratic friendships and alliances. From year to year he summoned the nobles to meet and to deliberate under his own presidency at the Champs de Mars, the Comitia of the Franks. The influence of his wealth, his station, his abilities, and his military renown, continually increased the number and the zeal of his adherents. The offices of Duke of Austrasia and Mayor of the Palace in Neustria and Burgundy were at length acknowledged to be hereditary in his house. Thus in every thing but the name, Pepin was king of the Frankish tribes; but the time for assuming that name was still unripe when he died, leaving his high offices and his vast possessions to an infant and illegitimate grandson.

But he also left a son whose fame and power were destined to eclipse his own. Charles Martel (the name he bears in history) soon fought his way to the inheritance of his father, and though content like his father to rule in the name of a nominal Merovingian king, he became the idol of the army, and the real and triumphant head of the Frankish monarchy. He compelled Suabia and Bavaria to resume their ancient union with it, and at the great battle of

Poitiers in 732 he commenced that deliverance of Western Europe from the Saracenic yoke, which was consummated in the wars of many succeeding years.

To Charles eventually succeeded Pepin, the second of his sons, whose historical name is Pepin-le-Bref. During nearly 100 years the government of the Franks had been conducted under the veil of a fiction which had now become too transparent for further use. By the advice of Pope Zachary, and by the hands of Boniface, archbishop of Mentz, Childeric, the last of the Merovingians, was deposed, and his crown was solemnly placed on the head of Pepin, the last of the mayors of the Frankish palace, and the first king of the Second or Carlovingian Dynasty.

For her services to Pepin-le-Bref, the Church received an early and an ample recompense. He assigned to the clergy of his empire not only a place but a supremacy, in the national councils. He confirmed and enlarged the temporal rights of the sacerdotal body. He bestowed on the Pope and his successors the sovereignty over the exarchate of Ravenna, including what was then called the duchy of Rome. And then directing the arms of his subjects to foreign conquest, he enlarged the limits of his own dominions, and left them on his death, in 768, to be divided between his sons Carloman and Charles.

Carloman survived his father during three years only; after which Charles, or Charlemagne, became the single sovereign of the empire of the Franks. He extended it over every land in which the languages of Rome or Germany, or in which any tongue derived from them, were at that time spoken. Reigning the undisputed monarch of Europe, from the Elbe to the Ebro, from the Danube to the Adriatic,

from the Alps to Beneventum—the head of an empire equal in extent and in power to that of the later emperors of the West, he received from Pope Leo III. the diadem, and with it the imperial title, which had fallen from the faint hold of Augustulus more than three centuries before.

Over this vast territory Charlemagne reigned with an intellect to discern, a soul to desire, and a will to pursue, the highest attainable interests of the nations by whom it was peopled. Perhaps the character of so zealous a patron of men of letters, and of so munificent a benefactor of the papacy, may have been drawn in too brilliant colours by his literary and ecclesiastical eulogists. But what remains of his legislation, and the authentic records of his public acts, give him an indisputable title to the appellation of the Great, which his subjects bestowed on him after his death, and which the unanimous suffrage of the whole civilised world has subsequently ratified.

Yet, obeying the general law of our existence, Charlemagne was the creature of the age in which he lived, imbibing much of its spirit, and in bondage to many of its errors. And hence it happened that the lofty edifice of his power crumbled into dust when his own strong hand and his own plastic genius could no longer be exerted to consolidate and to support it. Perhaps the materials with which he was compelled to work may have been incapable of any more permanent cohesion; or, perhaps, the enthusiasm of his admirers may have concealed from him, as from themselves, the defects of his workmanship.

To Pepin of Heristal, the author of the greatness of his house; to Charles Martel, the Miltiades of modern Europe; to Pepin-le-Bref, the founder of the Carlovingian Dynasty, and of the temporal dominion

of the popes, and to Charlemagne, the restorer of the Western empire, succeeded Louis the Debonnaire, a devout and virtuous man, and even a patriotic prince, but whose personal history is degraded by monastic superstitions, by uxorious fondness, and by imbecility of spirit; and the history of whose reign is composed of little else than the calamities and crimes of the civil wars which he waged with his own children. His crown devolved first on his eldest son, Lothaire, the heir of the disasters, though not of the piety of his father; and then on his youngest son, Charles the Bald, who, without courage, or talents, or conduct, was passively drifted by the current of events to titular dignities, and to a nominal extent of empire scarcely inferior to those of which Charlemagne had enjoyed the reality. Charles died in the year 877. Within twelve years from that time, the throne of Charlemagne was occupied and disgraced by Louis the Stammerer, by Louis III., by Carloman, and by Charles the Fat. On the deposition of the last of those princes in 888, the dynasty itself was virtually extinguished.

A hundred years of anarchy followed, though not without some occasional semblance of a regular government. The history of that age commemorates a multitude of princes who, with various success, and on grounds as various, laid claim to the Carlovingian crown—some of them deriving their title through the female, and some through the illegitimate kindred of that royal race—some assuming the imperial, and some aspiring only to the royal title; but no two of them in succession pretending to the same extent of dominion, nor any one of them earning the praise of any eminent personal qualities, of any wisdom in civil government, or of any triumph

in war. The long and wearisome narrative of their contests and their depositions, of their follies and their guilt, of their weakness and their miseries, reaches at length a welcome close in the year 987, when Hugues Capet, being elected by his army to wear the crown of France, laid the foundation of the Third or Capetian Dynasty. He succeeded, however, to a weak and almost titular dominion. Within the limits of ancient Gaul there had grown up, during the preceding anarchy, four kingdoms and fifty-five great fiefs, each acknowledging in form, but denying in substance, the superiority of the nominal head of the Carlovingian empire, and their own subordination to him.

From the preceding glance, rapid as it is, at the history of the Franco-Gallic empire, it appears that the founders of each of the first two dynasties effected conquests of great extent, rapidity, and duration; —that the dominion so acquired by each of them underwent, in the persons of his descendants, a precipitate and irremediable decline;—that, in either case, the powers of the enfeebled monarchy were usurped by a body of aristocratic chiefs;—that, in both the first and the second races, one of those chiefs at length usurped the crown of his sovereign, and transmitted it to his own descendants;—and that, from the commencement to the close of each of these two successive series of events, there were perceptibly germinating both the seeds of that civil polity which we call the Feudal system, and the seeds of that Ecclesiastical polity which restored to Rome her ancient supremacy over the Western world. Now this remarkable coincidence between the fortunes of the two dynasties cannot have been fortuitous; that is, it cannot have been referable to causes too recondite for human scrutiny. During the five cen-

turies over which these phenomena extended, there must have always been at work some forces conducing to this remarkable reproduction of the same results; some effective agency of which man himself was at one time the unconscious, and at another time the unwilling, instrument. What then were those enduring springs of action by the elastic power of which each of the Franco-Gallic monarchies arose with such similar energy, — declined with such similar promptitude, — fell into so similar a lifelessness, — made way for so similar an aristocratic usurpation, — and were so similarly productive of results, ecclesiastical and civil, the unexhausted influence of which we can yet perceive and feel after the lapse of so many ages?

Every writer of French history with whom I am acquainted has laboured to find the answer to that problem. I shall not attempt to explain, or even to recapitulate, their solutions of it. It may be sufficient to say, that they generally find the causes of these phenomena either in the Germanic institutions introduced by the conquerors into Gaul, — or in the tenures on which land was granted there subsequently to the conquest, — or in the subordination of ranks and of political privileges then first established between the different classes of the inhabitants, — or in the new codes and judicial tribunals to which they were then subjected, — or in the personal characters of the monarchs who inherited the crowns of Clovis or of Charlemagne, — or in the dismemberments of their dominions for the benefit of their sons, — or in the combination of some two or more of these causes, — or in other causes similar and analogous to these. Now it would be mere folly and arrogance to suppose that men so learned, so

laborious, and so acute as those who have advocated these opinions, have one after the other fallen into grave and palpable errors on a subject not perhaps in itself very difficult or obscure. On the contrary, I doubt not that Daniel and Du Bos, and Mably, and Boulainvilliers, and especially MM. Guizot and Thierry, have rightly decyphered much of the scroll of their nation's remoter history. I venture merely to believe that the love of country, and the love of refinement, and the love of generalisation, so characteristic of their literature, have rendered them reluctant to perceive and slow to confess a more obvious though a less attractive truth, — the truth, I mean, that, under both the Merovingian and the Carlovingian dynasties, France pursued the same downward path, to the same brink of anarchy, because, under both, a barbaric people were living beneath the rule of barbaric kings.

So intimate is the alliance between history and romance, between the facts treasured up in the memory and the pictures into which they group or resolve themselves in the imagination, that it is given to no man, however vast his learning, or profound his discernment, to contemplate the events of former times in an aspect absolutely genuine and exempt from all the distortions, and from all the false colouring, induced by ideal representations of them. Gibbon certainly did not possess that gift, when he adorned the wars and policy of Clovis with all the embellishments of his gorgeous eloquence. Even M. Guizot did not, I think, possess it, when he contemplated them as pregnant at every stage with the deepest lessons of social philosophy. The mind of Tacitus himself (to hazard a far more daring criticism) was not wholly exempt from this kind of dalliance with the beautiful to the neglect of the real, when he was delineating the

people from whom Clovis and his warriors descended. For, in his Treatise on the Manners of the Germans, the true though unavowed design of the great historian, as we well know, was to exhibit and to rebuke the degeneracy of the manners of Rome. And hence it happened that the graphic skill with which he sketched the free barbarian of the forest was greater than the pictorial fidelity of the portrait. It better suited his purpose to pourtray the more striking characteristics of the Teutonic tribes collectively, than to investigate the more minute peculiarities which distinguished them from each other. Yet we cannot doubt that, even in his day, they were far widely discriminated in fact, than in his delineation of them, as, beyond all controversy, they were so in the age of Clovis.

Thus, for example, the Burgundians, before their irruption to Gaul, were remarkable for their skill as artizans; and in the poems in which, not long after that event, they were described by Sidonius Apollinaris, we have the best attestation of their resemblance to the kind and simple-hearted German of our own days. Thus also the Gothic people, almost immediately after their settlement in Aquitaine, manifested a singular aptitude for a yet higher civilisation. For, if St. Jerome was correctly informed, Ataulph their king seriously projected the substitution of a new Gothic for the old Roman empire; a scheme in which the character of Julius was to be ascribed to Alaric, that of Augustus being reserved for the projector himself. Euric, the successor of Ataulph, filled his court at Toulouse with rhetoricians, poets, and grammarians; and coveted (and not altogether in vain) the applause of the Italian critics for the pure Latinity of his despatches.

The Francs, on the other hand, were a barbarous people, and their history is in fact a barbaric history. At their entrance into Gaul they were worshippers of Odin, and believed that the gates of the Walhalla rolled back spontaneously on their hinges to admit the warrior who had dyed, with the blood of his enemies, the battle-field on which he had himself fallen. From their settlements on the lower Rhine they had sometimes marched to the defence of the Romano-Gallic province, but more frequently and gladly to the invasion of it. Their appetite for rapine was insatiate, unrestrained, and irresistible. In war they were the prototypes of the Norman pirates of a later age, or of the West Indian buccaneers of more modern times. In peace they were the very counterpart of the North American Indians, as depicted by the early travellers in Canada; a comparison which almost every commentator on Tacitus has instituted and verified.

In most of the French writers however, in Gibbon's History, and even in the lectures of M. Guizot, Clovis and Clotaire sweep across the historic stage in the garb and character of heroes. Their campaigns are depicted in colours brilliant enough to reflect the glories of Napoleon. The doctrines of Aristotle and of Montesquieu are invoked to interpret to us the enigmas of their policy; and the revolutions of their kingdom are announced in terms such as might fitly celebrate the overthrow of the empire of the Cæsars.

We may respect the national piety which thus desires to embellish the cradle of the monarchy of France, but we can hardly acknowledge the discretion of the attempt. Our own national exultation in the greatness of those Norman dukes who wore the English crown, but were known to England only as

conquerors, as aliens, and as oppressors, is sober and rational in comparison. For our Norman monarchs were at least men of courteous manners, of cultivated minds, and of lofty purposes. Clovis was an untutored savage. He exhibited in their darkest aspect the worst vices of savage life. In peace and in war his hands were ever stained with blood. At the close of his reign he assassinated every chief of his tribe from whom his children had any rivalry to apprehend. The most pathetic and heart-subduing motives of the religion which he had embraced were insufficient to tame his ferocity. Even the evangelical narrative of the sacrifice of Calvary drew from him no other than the well-known exclamation, "Si ego ibidem cum Frankis meis fuissem, injurias ejus vindicassem!" His feebler descendants abandoned themselves to intemperance and debauchery, the only amusements of which they were capable. There is no reason to suppose that any of them had ever learnt to read; for even Charlemagne himself (as Mabillon assures us) could not write, but "made a mark like an honest and plain-dealing man." War was the single art in which the Merovingian princes ever attained any proficiency, and even their warfare was an exhibition of savage craft and valour, not of any skill in strategy. Sidonius Apollinaris saw and has delineated one of their military bands. He describes the host as bare-headed, with masses of long red hair falling between their shoulders, their bodies tightly girt about with raw hides, though naked from the knee downwards, carrying neither slings nor bows nor other missiles, except a hatchet and a short pike, to which was strung a barbed harpoon, marching on foot, and protected by no defensive armour. Occasionally, says Sidonius, one and another warrior, in an

excess of martial frenzy, would rush forward to meet inevitable death, fighting to the last with more than human energy, amidst the war songs and acclamations of their comrades.

Such was the commander and such the followers by whom the Romano-Gallic province was subdued. If opposed by the legions of Rome, they would have fallen at the first shock of so unequal an encounter. But the legions had been withdrawn into Italy for the defence of the heart of the empire. If opposed by any national movement of the free inhabitants of Gaul, such invaders must have been repelled by the military skill and organisation of so comparatively civilised a people. But the national spirit had departed; and even among that gallant race the mere instinct of animal courage was, for the moment, extinct. In Armorica, and there alone, a warlike and unconquered people of the old Gallic lineage were still to be found. Their progenitors had taken refuge there from the western peninsula of Britain, in order to escape the oppressions of the Roman conquerors. The descendants of those fugitives opposed an impenetrable front to Clovis and his hordes. They refused to be the victims, but consented to be the partakers of his spoliations; and, by allying themselves to the conqueror, succeeded in transmitting to their posterity the independence which they maintained during so many following ages under their native Dukes.

But in every other part of Gaul, Roman oppression had done its work. The curse of fiscal tyranny had depopulated extensive districts, had stricken the land with barrenness, had swept away all the smaller proprietors, had degraded into slaves the actual cultivators of the soil, and had broken asunder the

bonds by which the wealthy and the poor had once been united; and now, when the very name and shadow of the empire was departing, the fairest of her former possessions awaited as a helpless prey the first formidable arm and resolute will which should assert a sovereignty over it. The people submissively accepted, on his own terms, the shelter of the government, or rather the defence of the sword, of Clovis. He triumphed over them neither by military skill, nor by extensive resources, nor by sublime audacity, nor by any other of the powers which usually attended the march of conquerors, but simply because no longer retaining either the means or the desire to assert their national independence, they stood in need of a Sovereign on whose protection they might depend, and to whose supremacy they might bow; and because Clovis, and he alone, presented himself to assume the abdicated diadem of the Cæsars.

The Frankish conquest of the south and of the east of Gaul, however, presented greater difficulties, and requires some less obvious explanation. The Goths and the Burgundians resisted the new invaders with a spirit as resolute as their own. It was a conflict not of free Germans with enervated Gauls, but of the different Teutonic tribes with each other; and, in that conflict, the Franks were inferior to their enemies both in mechanical arts and in mental culture. Yet so complete and so rapid was their triumph, that within a few years from the death of Clovis, his sons were acknowledged as kings over the whole of what had once formed the Romano-Gallic province. To what cause then less imposing than the genius and the power of the Merovingian princes can this unbroken series of victories be ascribed?

It may be ascribed, in part, to the religious enthu-

siasm which animated the assault of the Franks on those whom they abhorred as the enemies of Heaven, and whose destruction they regarded as a sacrifice not less grateful to the Deity than to themselves. But it is to be ascribed chiefly to those social distinctions which separated the aggressive and the defensive belligerents from each other,—the Franks who had recently emerged from their native forests, from the Goths and Burgundians who had long inhabited their Gallic settlements;—the first, a succession of armed bands whose families and cattle remained far off and secure in their German fastnesses,—the second, a body of agricultural colonists, who, with their households and their herds, were living in wide dispersion from each other. On the one side were armies ill equipped indeed, ill organised, and ill commanded; on the other side, a rural population hastily summoned to the use of weapons which they had long laid aside, and to the discharge of military duties with which disuse had rendered them unfamiliar. The universal experience of mankind sufficiently attests that the issue of war, when waged between such combatants, is never really doubtful.

But in the wars which Clovis and his sons carried on with the Germanic tribes to the eastward of the Rhine, they are represented by their modern French eulogists as having been gifted at once with the wide ranging sight of great captains, and the prophetic sight of great statesmen. They are supposed to have engaged in these contests not from any vulgar cupidity for plunder or for power, but in order to subdue the nations from whom they would have otherwise had to apprehend new barbaric irruptions into Gaul. They are therefore described as imitating the policy of Tiberius, and as anticipating that of

Charlemagne. I have attempted in vain to verify these discoveries. The battles fought between the Cis-Rhenane Franks and the Trans-Rhenane Germans were not the conflicts of organised armies so much as the onslaughts of hostile tribes. Even the much celebrated combat of Tolbiac, which repelled the Alemanni and destroyed a multitude of their warriors, was a military achievement, to be compared, not with the actions of Condé or Turenne, but rather with the recent victories of the Zooloo chief Dingaan over the forces of the Kaffir tribes in Southern Africa. For Dingaan brought into the field as many followers as Clovis, equipped in a manner not dissimilar, and commanded with at least equal military skill.

In the same manner when we read of treaties by which the Frankish dominion was extended by the sons of Clovis over a large part of Germany, we must not call up the image, or the remembrance, of the congresses and conventions of Utrecht or of Vienna. From the age of Tacitus the German people had been divided into many petty tribes, which had been aggregated into several great confederacies. Allured or alarmed by the conquest of Gaul, the tribes of Bavaria, of Suabia, and of Franconia consented to become members of the Frankish confederacy by whom that conquest had been achieved. This is the simple and unadorned explanation of the international compacts of which the French historians make their boast. Placed as we are beyond the influence of that antiquarian nationality which has converted the founders of the first dynasty of France into heroes and statesmen, diplomatists and philosophers, we may venture to regard the German Kyning as but the rude and shapeless germ of the European King, and may own our belief that his

wars were but the levying of so much black mail; that his negotiations were but so many palavers; and that between the long-haired Merovings and the princes of the House of Bourbon there was little more in common than between the Indian chief who scalped his enemies on the banks of the Potomac, and the President of the United States of America.

These general conclusions do not rest upon the collation of the works of many authors, but chiefly on the testimonies of two; of Sidonius (that is) and of Gregory of Tours, to whom alone we are indebted for almost all which is known of the internal condition of Gaul under the dynasty of the Merovings. Of the opinions and portraits of Sidonius we have already seen something, and I shall refer to them again in the sequel. Gregory was elected to be bishop of Tours about the year 566. Seven years after his election he began the composition of his history. It comprises an account of the remarkable events which occurred in Gaul from the year 395 to the year 591, a period embracing about a century and a half from the earliest Frankish conquests. Of many of those events the historian was himself an eye-witness. He died in the year 594.

It is impossible for me at this moment to lay before you any of the many narratives to be found in the nine books of Gregory's history, which might be quoted in support of the general statement, that the Frankish conquerors of Gaul held no higher place in the scale of civilisation than the savages of the Rocky Mountains or of Caffraria. For any such quotations I gladly substitute the following summary of Gregory's testimony on the subject, which I borrow from the fifth chapter of the first volume of M. Fauriel's History of the Provençal Poetry. "Such of the Romano-

Gallic people, whether laics or ecclesiastics, as enjoyed any influence from the superiority either of their rank or of their intelligence, endeavoured to render the Frankish conquest subservient to the welfare both of the conquered and of the conquering people. But the barbarous chiefs of those conquerors exercised their dominion as a mere brute force concentrated entirely in their own persons. They employed it as an instrument for satisfying their unbridled passions, their insatiable cupidity, and their brutal ardour for the sensual enjoyments of life. The chiefs attacked, butchered, and despoiled one another. Their Leudes (that is, their officers and agents), abhorring a power opposed to all their Germanic ideas and habits, conspired against them, resisted their authority, and made it their constant object to convert into an absolute ownership the revocable interest which had been assigned to them in the spoils and honours of the conquest; while many of them, making common cause with the conquered people placed under their command, were engaged in ceaseless revolts against the Merovingian kings, until they had entirely thrown off their authority."

I anticipate the inquiry, to what purpose consume our time in studying the history of the Frankish dynasties, if they were really conducted by rulers thus barbarous, having for their subjects tribes thus uncivilised? I answer, that the study is important, because, barbarous as they were, they were chosen by the Supreme Ruler of the nations to lay the basis of that great European commonwealth, to every pulse of which the whole civilised world has been so long accustomed to vibrate, — because they were intermingled with the Gallic races, amongst whom many remains of the old Roman civilisation still lingered,

—and because from the vicissitudes of their fortunes and the spirit of their institutions eventually sprang those Polities, Feudal and Papal, which have left their indelible impress on the history and condition of the whole Christian world. I believe, therefore, that we shall do wisely in following the steps of those great historians who have employed themselves in interpreting the causes of the subversion of the dynasty of Clovis, and in that belief I proceed to offer what occurs to myself as most material in explanation of that much debated catastrophe.

First, then, I observe, that the Frankish conquest of the Romano-Gallic province was never completely accomplished; for, in addition to the antipathy which alienated the Franks from the Gauls, the dominant from the subject race, they were further divided from each other by the indelible contrast of their characters, national and hereditary. In the Merovingian as in every other age, the Gauls were animated by a courage which (when unchilled by oppression and slavery) was of an almost incomparable ardour. Keenly susceptible of every kind of impulse, impelled into speech and action by a restless constitutional vivacity, fickle of purpose, impatient of the tranquil rule of law, and involved in perpetual disunions with each other, this ingenious, volatile, enthusiastic race might seem to have been moulded by the hand of nature herself, as a living antithesis to their Teutonic conquerors. The subtle, insinuating, and courteous Gaul despised, even while he obeyed, the sluggish, simple-minded German; and found inexhaustible food for ridicule in his blunt speech and phlegmatic demeanour. The Gaul yielded himself recklessly to every gust of emotion. The German lived under the control of passions as measured in

their outward manifestation, as they were fervent and enduring in reality. The Gaul habitually displayed what, in the more abstruse idiom of the modern French tongue, would be called, a strong development of the sense of individuality, or, in our homelier English, was egregiously vain. The German neither rendered nor coveted any idolatrous homage, but meditating the interests of his nation, or of his tribe, merged his own fame in theirs, and cheerfully abandoned his separate purposes to promote the designs of his associates in policy or in arms.

Between the mercurial Gaul and his saturnine conqueror, amalgamation, whether social or political, was therefore of very tardy growth. The relation between them long resembled, and has not seldom been compared to that which the lively Greek bore to his solemn Turkish master. To minister to the luxuries of the victorious barbarian, to play upon his weakness, to supply his lack of learning, and so to creep into all employments demanding a more than common address and mental culture, were arts practised by the Gallic bondsman at Paris many ages before they were employed by the Greek bondsman at Constantinople. And so it happened that, after the stranger had gained possession of his land, the Gaul insinuated himself into almost every important office, judicial and ecclesiastical. The Meroving thus reigned over a state in which the great mass of the people regarded his rule with aversion and his person with contempt, and derided the convenient dulness which gave such ample scope to their own encroaching subtlety.

Secondly. When Clovis became the conqueror of Gaul, he was not considered by himself or by others as having become the monarch of a definite territory, or even as having become, in the proper sense of the

word, the *Sovereign* of the old Romano-Gallic inhabitants. No attempt was made to impose upon the conquered people the laws, the language, or the customs of the conquerors. Sometimes, indeed, the privileges of Frankish birth were granted to individual Gauls, but each of them was free, if so it pleased him, to live under the ancient laws of Rome, and to observe the legal customs of the Roman empire. For in that age law was considered not as a local, but as a personal distinction; and in respect of the code, penal and civil, under which they lived, the two races were thus separated from each other, after the conquest of Gaul, precisely as they had been separated before.

Thirdly. There was no system of civil administrative government of which the Merovingian Kyning was the head, or to which the provincial Gauls were subordinated. Under the Romans, Gaul had been divided into cities and rural provinces. In the cities and their suburbs all local affairs had been conducted by municipalities, bearing no rude analogy to that of Rome herself; while, in each rural province, the imperial authority had been represented and administered by a Dux or Comes, or a Vicecomes. After the conquest, the Frank Herizog superseded the duke. The Frank Graf took the place of the count or viscount, and claimed in every city an authority co-ordinate with that of the old municipal magistrates. But the Herizog and the Graf did not maintain with the Kyning relations corresponding with those which the Duke or Count had maintained with the Emperor. The German viceroy raised the military recruits for which his district or city was liable; but made no other practical acknowledgment of responsibility or subordination to the Kyning, or to any other human

being. Each Herizog and Graf was regarded as supreme, or at least as independent, within the limits of his own command. For although in the administration of justice he associated to himself Rakenburghs, that is, eminent persons of Gallic birth, without whose concurrence no judgment for or against any Gaul could be pronounced, yet from the judgments of the Herizog or Graf, and of the Rakenburghs, there was no appeal either to the Merovingian king, or to any officer of his appointment.

Fourthly. Destitute as the Kyning thus was of all civil and judicial authority, he was equally powerless in the government of the Church. Her bishops and ministers were elected by the people at large, and provincial synods promulgated ecclesiastical laws without any preceding or retrospective sanction from the temporal sovereign.

Fifthly. Negotiations and alliances with foreign states were equally beyond his province, for as yet diplomacy and diplomatic relations were not. Nor was he the conservator of the peace of his people, for he had neither magistrates, nor police, under his orders. Nor was he the author of public works, for in those ages none such were ever undertaken or projected.

Sixthly. To these defects of the royal power it must be added, that the Merovingian king was not the legislator for his people; or rather, that there was in those ages no Gallo-Frankish legislature whatever. This is indeed to contradict a prevalent opinion. It is usually supposed that each of the German tribes, on its entrance into Gaul, promulgated there the ancient code of their nation, and afterwards introduced into that code such amendments as experience suggested. No supposition, however, can be more

erroneous, than that the Gothic, Salian, Ripuarian, and Burgundian codes were ever established (as the code Napoleon, for example, was established) by the deliberate act of a formal legislature. They were recapitulated, or, in modern phrase, were edited, by aged men, as memorials of the customs of their fatherland; and in this office they availed themselves of the aid of Gauls, who alone were qualified both to give a permanent form to those unwritten traditions, and to adapt them to the new circumstances in which the Frankish tribes were placed. These compilations seem to have been received very much as our own forefathers received the institutes of Bracton, of Fleta, and of Littleton.

From the co-operation of Gallic and of German compilers of these codes, it happened that each of them was more or less compounded of two distinct elements — the one the barbaric traditions, the other the Roman jurisprudence. Nor is it at all difficult, especially with the aid of the very learned Savigny, to perceive how the greater or less predominance of the Roman element coincides with the greater or less civilisation of the people for whose use each code was so promulgated. Accordingly the Gothic drew most copiously, and the Salian code least extensively, from the Corpus Juris Civilis; while the ideas of savage life pervaded the Salian compilation most completely, and the Gothic in the smallest measure. Yet in all of these collections of laws or customs, those ideas exercised a commanding influence. They were all to a great extent the barbarous laws of a barbarous people. They all, for example, proceed on the assumption, that crime is an injury, not to the collective society but to the individual sufferer; that he or his surviving kindred have a natural and indefeasible

right to take vengeance on the wrong-doer, and that the proper office of the law-giver is to secure the enforcement of this vindictive privilege, subject only to such restraints as may prevent the undue exercise, or abuse, of it.

In those precious monuments of antiquity we have the most distinct record of the relations which subsisted in Gaul between the conquering and the conquered people. The milder Goths and Burgundians exacted from the homicide a fine of equal amount, whether the victim had been a German or a Gaul. The fiercer Franks doubled the penalty, if the person slain had been one of their own nation. Comparatively equitable, the Goths and Burgundians guaranteed to the ancient proprietors one third of their lands, and two thirds of the slaves attached to them. The less scrupulous Franks imposed no such restraint on their own cupidity. Perhaps, however, the comparative mildness of these more early invaders of Gaul may have been prompted not by their superior civilisation, nor by their greater equity, but by prudence, or even by necessity. For we know that some of their concessions to the conquered people were extorted from their fears; and it does not seem unreasonable to conjecture, that, in other cases, the Goths and Burgundians were less oppressive than the Franks, merely because they were less able to practise oppression with impunity.

At present, however, I touch on this large subject of the Germanic codes only with a view to the remark, that the authorship of them is not due to the Merovingian kings or chieftains. We might with equal reason ascribe the commentaries of Sir Edward Coke to the first British sovereign of the family of Stuart.

The character of legislators is, however, ascribed to Clovis and his royal descendants, on the ground of the enactments which are supposed to have been made at their suggestion at the Champs de Mars, or annual comitia of the Franks. In order to estimate this pretension aright, we must inquire what those assemblies really were?

The words of Tacitus are, "De minoribus rebus principes consultant, de majoribus omnes; ita tamen ut ea quoque, quorum penes plebem arbitrium est, apud principes pertractentur." Perhaps no English word corresponds so nearly to the word "principes" in this passage as our term "chieftain," nor have we any better equivalent for the words "omnes" and "plebem" as here used than that of "clansmen." But at these gatherings of the patriarchal chieftain and his clan, legislation was neither the single, nor the principal, nor the ordinary, nor perhaps even the occasional, object. For in Tacitus again we read, "Licet apud concilium accusare quoque, et discrimen capitis intendere. Eliguntur in iisdem comitiis et principes qui jura per pagos, vicosque, reddunt." It is, therefore, ascertained that these assemblies tried criminals and elected judges; but that they ever enacted permanent laws, is little more than a conjecture. Whatever the actual business of such meetings may have been, we know however, from the same authority, that attendance at them was often rendered tardily and with reluctance. "Illud ex libertate vitium, quod non simul, nec, ut jussi, conveniunt, sed et alter et tertius dies, cunctatione coeuntium consumitur."

Now when this national institute of the German tribes was transplanted into Gaul, it did not strike root and germinate in that foreign soil without abundant in-

dications of having undergone an unhealthful change. For, first, the Princeps or chieftain found himself in a new position. He was no longer dwelling in the secure circle of his own patriarchal family. He had been constrained to receive among them many of the ancient Gallic inhabitants to aid in the cultivation of his isolated settlement, and many armed warriors to assist in the defence of it. The obedience of his dependants could, therefore, no longer be maintained by the unaided bonds of filial or domestic piety. As he ruled over a body far more numerous and far more discordant than his ancient sept or clan, so he invoked the aid of other arms than those of duty, reverence, and attachment. As he exercised an authority at once more rigid and more precarious than in his native forest, so the reluctance with which even there he had attended the comitia of his people continually increased. He was unwilling to incur the toil of journeys of such unwonted distance, to expose his home to the hazards of his protracted absence from it, or to exchange the dignity which he enjoyed there for the subordination and comparative insignificance which awaited him at the general assembly.

The comitia, or Champs de Mars, of the Franks in Gaul being thus deserted by the chieftains of the more distant clans, became in fact nothing more than councils of war. Sidonius has left us a description of such an assembly, at which he was himself present at Toulouse. He calls it "concilium seniorum," and has drawn it in colours deepened probably by the contempt of the polished Roman for these rude barbarians. He paints them as a squalid group, squatting on the bare ground, coarse and dirty in their persons, clad in mean and tight vestments, and shod with sandals of raw hides. Gregory of Tours has preserved a

speech delivered by Clovis himself at such an assembly. In a few stern and pungent words, the royal orator exhorts the military congress to march to the conquest of the Gothic Arians. The air rings with acclamations, and the king and his councillors leaping up are forthwith on their way to slay or to convert the heretics.

The presumption that during the lives of Clovis and his sons these armed and tumultuous parliaments did not really assume the grave office of legislation is confirmed by the silence both of Sidonius and of Gregory on the subject: and the writers of later times seem to be unanimous in the opinion that, after the death of Clovis and his sons, and during the reigns of all the later Merovingians, the Champs de Mars, or ancient Germanic assemblies, ceased to meet for any purpose whatever. On the whole, therefore, I conclude, that the Merovings were not at any time the legislators for the Gallic people, and that there was not in fact in their times any general Frankish legislature.

Seventhly. The Merovings were not administrators of finance, nor had they in fact any national revenue. This statement seems to me to admit of a ready explanation, and a sufficient proof, eminent as are the authorities by which it is contradicted.

For the reasons stated in my former lecture, the Franks, on their invasion of Gaul, found vast territories there desolate and abandoned by the plough. In those tracts of land the conquerors received the reward of their dangers and of their toils. Not seldom apparently they were also rewarded by the assignment to them of farms actually under cultivation. The estates thus acquired were called *sortes*, because they had been apportioned by lot. They were

also called *al-ods*, because, in the case of each warrior, they constituted the whole of his gain or booty. These sortes, or al-ods, were held free from any rent or service or other liability to any superior lord—an exemption from which the word "allodial" derives that peculiar meaning which belongs to it in the French law, as well as in our own.

After deducting from the entire surface of Gaul, first, these allodial lands, and, secondly, the tracts which the ancient inhabitants were permitted to retain, there remained a vast extent of territory which was considered as the share in the general spoil which belonged to the Merovingian king. In various parts of this royal domain he had residences, to each of which was attached a considerable extent of cultivated land. Passing with his vast household from one of these estates to the other, he consumed in turn the harvests of each.

On each were large bodies of slaves and of petty farmers called *coloni;* that is, serfs, *adscripti glebæ;* vendible with the soil and inseparable from it, and bound either to render fixed rents in kind, or to repair the houses, to till the lands, to tend the herds, to hunt the forests, and to fish the rivers of the lord. In addition to these resources, the king was accustomed, and, as some maintain, was entitled, to receive from his principal chieftains annual presents of clothing cattle, and the like.

With no marine to maintain—no public works to construct—no stores or arsenals to supply—no judges, ambassadors, ministers, or civil servants to support,—and no public debt to pay,—a Merovingian king, possessing such ways and means as these, might well esteem himself affluent without a treasury, and rich without the command of a denarius.

Yet he had to meet one great and still recurring exigency—he was the general of a considerable army; and to ourselves no problem can appear so hopeless and intractable as that of keeping up such a force without the aid of a well-furnished exchequer. This difficulty, however, familiar and obvious as it is to us, is of comparatively recent growth in modern Europe. Our Teutonic ancestors never heeded or acknowledged it. To serve his captain in the field, and to subsist upon the spoils of the enemy, was at once the duty and the delight of every free German. The Frank still confessed the duty, but ceased to feel the delight, after he had become a settler in Gaul. His new sedentary occupations taught him to set a high value on the tranquil enjoyment of the fruits of his own labour. His spontaneous military ardour, therefore, died away. But the Kyning did not the less stand in need of his military services. It, therefore, became necessary to rekindle his passion for war by new incentives, and to enforce his presence in the camp by new obligations.

Now in their ancient German settlements, the Merovingian king, and the principal chiefs subordinate to him, had all been surrounded by those companions who are designated by Tacitus as Comites, and who called themselves Leudes or Antrustions. Such companions differed from each other in rank. "Gradus quinetiam et ipse comitatus habet, judicio ejus quem sectantur." From this relation to their leader they at once received and imparted dignity: "Magnaque et comitum æmulatio quibus primus, apud principem suum, locus, et principûm, cui plurimi et acerrimi comites. Hæc dignitas, hæ vires, magno semper electorum juvenum globo circumdari; in pace decus, in bello præsidium." They were also accustomed to

expect and to receive military presents from their chieftain. "Exigunt enim principis sui liberalitate, illum bellatorem equum, illum cruentam victricemque frameam." But he paid them no military stipend. "Nam epulæ, et quanquam incompti, largi tamen apparatus, pro stipendio cedunt. Materia munificentiæ per bella et raptus." In his new position, and desirous to provoke and to secure, rather than to reward, the services of his companions, the Merovingian king, ceasing to bestow on them war-horses and shields, substituted the more substantial recompense of tracts of land, carved out of his royal domain. Instead of absolute gifts he now made conditional grants. In return for the land, the royal donor stipulated that he should receive, and the military companion bound himself to render, warlike services of a prescribed duration and amount. The number of warriors whom each grantee pledged himself to supply and to equip, varied with the extent and the value of the lands conceded to him. Such concessions were called *beneficia*.

Volumes of controversy have been written to determine whether such benefices were resumable at pleasure, or whether they were held for a term of years, for life, or in perpetuity. Into this debate it is beside my immediate purpose to enter, further than to express my own opinion, that such grants were usually made without any distinct apprehension, on either side, as to the period for which they were to endure. It is, however, certain that a protracted strife respecting the tenure of them arose between the Merovingian princes and the grantees. The princes maintained their right to resume such lands at their pleasure; the grantees laboured to render the tenure of them hereditary in their own families.

In this contest the grantees were generally successful. But they succeeded only so far as to render their estates inheritable by their *male* heirs. For in the Salian code was incorporated that memorable tradition of the Franks: "De terrâ Salicâ in mulierem nulla portio hereditatis transit, sed hoc virilis sexus acquirit;" a provision which, in the 14th century, was successfully, though unreasonably, quoted to exclude all females from the right of succession to the crown of France.

But whatever may have been the legal tenure of these benefices, my present object is to show that the military services due in respect of them gave to the Merovingian kings the means of recruiting, equiping, and maintaining their armies; and that thus, even to meet the exigencies of war, they had no revenue, in the proper sense of that word, and were not dependent on any fiscal resources.

Some French writers have indeed maintained that the old Roman taxes were levied in Gaul for the benefit of Clovis and his descendants. Of that fact, however, no proof has, I think, ever yet been adduced from any extant records; and they who have searched the archives of France most diligently assert that no such proofs are to be found there.

Since then the kings of the first or Merovingian race enjoyed none of the attributes of sovereignty with which we are familiar, it is difficult to say in what sense, or with what propriety, the royal title is ascribed to them. We cannot transfer our modern words, king, reign, royalty, and the like, to their persons, or to such a dynasty as theirs, without weaving an inextricable web of verbal fallacies. By a king we, in these later ages, mean, the head of a monarchical state, from whom all subordinate powers

and dignities emanate, and to whom all other functionaries are amenable. But this complex idea is the tardy growth of time. By the word Kyning, the Franks meant simply the depository of any power whether military or political. The word itself, as M. Thierry has shown, might be rendered into Latin with equal accuracy by the terms *imperator* or *consul*, or *dux* or *præfectus*, or by any synonyme of these. In his native forest the Merovingian Kyning was distinguished from other men by two attributes. First he was the chief of a family which, in popular belief, derived their origin from the Scandinavian deities—a descent attested by the length and richness of his unpolled hair; and, secondly, he was often, though not always, the chosen leader of the warriors of his tribe. His "prerogatives," so to speak, were therefore composed of his claim to religious veneration, and of his right to military obedience. He was a heaven-descended general, rather than a king. The camp was his seat of empire. The soldiers quartered there, and they alone, were, in the right sense of the word, his subjects. In the division of booty he was entitled to the largest share—in all festivities to the most conspicuous place—in every national assembly to the highest influence—and among the tribes of his confederacy he was the foremost free man; but he was not, in the modern sense of the word, their sovereign. He was honoured, followed, and supported by his people; he did not reign over them.

In whom then did the power over Gaul really reside during that long interval in which the sceptre is usually supposed to have been held by Clovis and his posterity? I answer that, from the warlike grasp of Clovis himself, all real dominion passed to the aristocracy, which he and his sons called into existence.

It was composed, first, of what may be called the Official aristocracy, that is, the Herizogs and Grafs, each ruling with an almost independent authority over the city or district assigned to him. It was composed, secondly, of what may be called the Patriarchal aristocracy; that is, the chieftains of clans settled with their families and followers on their sortes or allodial lands. And it was composed, thirdly, of the Military aristocracy; that is, the grantees of benefices, each having under his command a clan or tribe, collected from amongst his ancient companions in arms; or, more briefly, Gaul was apportioned amongst an aristocracy, official and territorial. The power of the territorial lords rested partly on the ancient traditions and patriarchal sentiments of the Germanic people, and partly on two other main buttresses. First, in each settlement was held an assembly called a *mallum*, which met at short and frequent intervals, to deliberate and to decide on the affairs of the clan. The powers of these local comitia were vast and indefinite, and were employed to reduce the ancient Romano-Gallic inhabitants into a bondage which continually became more and more galling. Secondly, the great territorial lords, imitating the example of the Merovingian kings, granted sub-benefices to their own leudes or companions. Thus each of the greater Frankish colonies in Gaul became a kind of image in miniature of the Frankish empire itself; that is, every such colony was under the military command of a chieftain, under the guidance of a local assembly, and under the protection of a body of warriors holding benefices on the condition of following their chief to battle.

To this aristocracy, official and territorial, gradually passed the whole strength of the Merovingian

state. Single chiefs combined in their own persons the two conditions of aristocratic power; governing several cities or districts, and possessing at the same time many extensive al-ods or benefices. By these combinations of governments and of territories in the same hands was laid the basis of a power, which, rapidly eclipsing every other, at length reduced the posterity of Clovis to insignificance and contempt. If those princes became rois fainéants, it was because they had rien à faire. When he ceased to be the elected general of his nation, the Meroving became a mere cypher. Having first sacrificed his royal domain to secure to himself the service of an army, he found himself deprived of the command of that army by the votes of the very grantees whom he had thus enriched. Nothing was then left to him which he could sacrifice, and nothing of which he could be deprived, except a title which had lost its meaning, and a homage which had become obsolete. The famous rescript of Pope Zachary, "that he who possessed the royal power might properly assume the royal dignity," overthrew not a living power, but a worn-out fiction. It was the consummation in form of that which the course of events had already accomplished in substance.

To recur then to the question which I proposed at the commencement—What were those abiding springs of action by the elastic power of which each of the Franco-Gallic dynasties successively arose with such similar energy, declined with such similar promptitude, fell into so similar a lifelessness, and made way for so similar an aristocratic usurpation?

The answer, so far at least as relates to the Merovingian race, may be comprised in the single word—Barbarism; a word vague and indefinite indeed, yet

the only compendious term by which we can designate that condition of human society in which government is maintained not by love, or reverence, or policy; but, on the side of the ruler, by mere physical force, and, on the side of the people, by abject terror. Under Clovis, and his successors, Barbarism, so understood, vainly attempted the work of civilisation. The untamed energy of barbaric power subdued the Romano-Gallic province. Barbarian rapacity, regarding that conquest only as the spoil of war, seized and divided it amongst the strongest as their prey. Barbarian ignorance left untried whatever might have amalgamated the vanquished Gauls and their victorious invaders into one united people. Barbarian recklessness transferred to a mighty empire the rude polity of an incoherent assemblage of uncivilised clans. The ideas of the forest were transplanted into a soil utterly unsuited to their growth. The German pastimes of war and of the chase were abandoned for sedentary pursuits. The German chieftain became a great proprietor, and his followers degenerated into mercenary soldiers. The patriarchal government of the tribe could no longer be maintained. The national assemblies could not be brought together. The long-haired Merovings retained no more the hereditary homage of their tribes, but descended first into an unmeaning, and then into a contemptible, pageant. Guided by no lights from experience, and by no maxims from forethought, the barbarous Frankish society resolved itself into its natural elements; the strong subjugating the weak, to be themselves in turn brought into subjection by such as were stronger still than they. Each duke and count found in his civic or rural government a stronghold for assailing his neighbours and for his own defence.

Each proprietor of allodial or of beneficial estates multiplied his armed retainers to aid or to oppose the forces of some other territorial lord. From this shock of hostile bands emerged at length that kind of peace which follows in every society upon the effective assertion by any one of its members of a strength too great for the successful resistance of the rest. By alliances, by wealth, by prowess, by military skill, and by policy, the House of Pepin gradually attained a power with which no other chief or combination of chiefs could any longer contend. The aristocracy had subverted the dominion of the Merovingian Kyning to be themselves subverted by the founder of the Carlovingian dynasty. France has long been the theatre of experiments to graft new institutions upon a system of government, venerable at least for its antiquity, if for nothing else. The ill success of such experiments when made by German Barbarism was but an augury of the result of those similar attempts which in far distant ages were to be made by French Civilisation. As we pursue the history of France, no truth will more frequently present itself to our notice than this—that the healthful growth of good government must be a spontaneous development from within, and not a compulsory envelopment from without. The antithesis is not merely verbal; it is substantial also.

LECTURE III.

ON THE CHARACTER AND INFLUENCE OF CHARLEMAGNE.

In my last lecture, I endeavoured to trace the subversion of the Merovingian Dynasty to the barbarism which characterised alike the princes of that race and their civil and military institutions. There was, however, nothing barbarous in the agency by which their overthrow was accomplished. We should search the history of mankind in vain for any series of four successive monarchs, following each other in a direct hereditary lineage, to whom the praise of large capacity, of resolute purposes, and of splendid achievements, is so justly due as to Pepin of Heristal and his posterity to the third generation. That the descendants, first of Clovis and then of Charlemagne, pursued the same disastrous path to the same ultimate ruin is, therefore, a coincidence which we may not ascribe to any similarity in the views or in the character of their respective progenitors. For it is not

without reason that panegyric has so exhausted her powers in celebrating the great founder of the Carlovingian empire; and that, among the heroes of former ages, his name alone enjoys a kind of double immortality;—the one, the deliberate award of history; the other, the prodigal gift of fiction and romance. What, then, were the causes which defeated even the genius of Charlemagne in his attempt to prolong, beyond his own life, either the empire which he restored, the polity which he established, or the code of laws which he promulgated? To resolve that question we must bear in mind that, in common with all the great actors on the theatre of the world, he lived, not in obedience to occasional impulses, but under the government of certain fixed rules and maxims of conduct; that though some of these principles were the indigenous growth of his own mind, the greater part of them had been acquired by tradition from his ancestors; that his character was far more derivative than original; and that he himself was much rather the conductor than the author of the influences which he exerted on the ages subsequent to his own.

To understand aright the reign of Charlemagne, it is necessary, therefore, to begin by inquiring, What were the laws, and what the policy of his house, which descended to him from his forefathers as a patrimonial inheritance?

First, then, I observe, that Charlemagne was an *Austrasian*, that is, that he and his immediate ancestors belonged to that Gallic kingdom which, on the death of Clotaire I., was assigned to Sigebert, the youngest of his sons.

Amongst the tribes of the great Frankish confederacy which followed Clovis to the conquest of Gaul, the Salian and the Ripuarian were the chief.

Being himself a Salian, Clovis placed the warriors of that race in possession of the largest and fairest portion of the conquered territory. Their settlements extended from the Meuse to the Loire; and embraced the whole of that part of Northern Gaul in which the ancient Romano-Gallic population were still numerous. In that region the Salians, withdrawn far away from their native seats, became, in each succeeding generation, more and more estranged from the customs of their German ancestors, and more and more familiar with the habits, laws, and language of the subjugated people. The conquerors fell into a kind of social thraldom to those over whom they had triumphed; and progressively assumed a semi-Gallic and an unwarlike character.

Now, even in their native forests, the Salian and the Ripuarian Franks had been broadly distinguished from each other. They observed many different customs, and made use of dissimilar dialects of the Teutonic tongue. After their migrations to the westward of the Rhine, these varieties were increased and multiplied, and at length were exasperated into mutual animosities and distrusts. Dwelling apart between the Meuse and the Rhine, the Ripuarians preserved their primitive language from any foreign alloy, revered the traditions of their ancestors, perpetuated their ancient usages, and were constantly forming new relations, pacific or belligerent, with the tribes residing in the interior of Germany.

On the death of the first Clotaire, and the consequent partition of Gaul between his four sons, the contrast and the jealousies between these two chief Frankish tribes induced a territorial arrangement, which ultimately brought them into a hostile attitude towards each other. An imaginary line was rudely

drawn from the mouths of the Scheldt to near the sources of the Aube. The country to the west of that line acquired the name of Neustria; the country to the east of it the name of Austrasia. With no very material inaccuracy, Neustria might have been called Salian Gaul, and Austrasia Ripuarian Gaul. Before the end of the 6th century, they had become two distinct states, at once kindred and allied, rival and hostile to each other—kindred and allied, as the principal members of the great Frankish confederation —rival and hostile, as competitors for superiority over all the tribes of which it was composed. The military and political history of Gaul during the 7th century, comprises little more than the record of the conflict between Neustria and Austrasia for that pre-eminence. It issued in the triumph of the Austrasians. They vanquished Western and Southern Gaul by the same means which had assured to Clovis and his followers the conquest of the Romano-Gallic province. It was, in fact, a second Germanic invasion. The untamed energy of the German race, continually recruited by new German auxiliaries, once again beat down the resistance of a people who, while advancing in the arts of civilised life, had declined in the hardihood, the courage, and the warlike discipline of their uncivilised progenitors. But the Austrasian conquest of Gaul was chiefly effected by the genius of that illustrious family, of which Pepin of Heristal was the first, and Charlemagne the second founder; nor is it difficult to estimate the nature or the strength of the influence which that circumstance exercised on the whole system of his political life and government.

Secondly. With such a descent Charlemagne was predisposed to what, in modern phrascology, would be called a "constitutional" policy; an expression

which, however inapt and inappropriate, may stand in the place of a long periphrasis. Pepin of Heristal, though combining in his own person the real government, civil and military, over the whole of the Franco-Gallic state, had borne no higher title than that of Duke of Austrasia and Mayor of the Palace in Neustria and Burgundy. He had governed not by material force, nor by the reverence of ancient superstition, nor by the influence of hereditary right, nor by the fascinations which attend the pomp and majesty of the diadem. On the contrary, in Neustria and Burgundy, his strength consisted in propitiating the Franks by his habitual respect to the empty name, and to the faint shadow, of royalty in the race of the long-haired Merovings. But in Austrasia he sustained his power by popular arts, and especially by reviving amongst the people the free assemblies of their German ancestors. This regard of Pepin of Heristal to what I have ventured to call *constitutional* habits descended, as one of the traditions of his house, to Charlemagne.

Thirdly. Charlemagne inherited from Charles Martel, his grandfather, two other maxims, of what, in modern language, would be called foreign or diplomatic policy. Of these the one was, that the Frankish power could be maintained only by anticipating those invasions with which Gaul was again menaced by the barbarians who hung upon her frontiers, and by crushing them in their own fastnesses. The other was, that, in order to repel these threatened incursions, and to advance the ambitious prospects of the Carlovingian house, it was necessary to seek the alliance of such civilised states, or potentates, as could in that age be conciliated, either in Asia or in Europe. Charles Martel inculcated these lessons not

perhaps as formal precepts, but by a life of unremitting war and negotiation. Year after year he carried fire and sword among the Saxon confederacy, from the mouths of the Elbe to those of the Oder; and then rapidly passing to the south, he again and again encountered, repelled, and destroyed the Saracens. He entered into friendly relations with the king of Lombardy, with Leo the Isaurian and Iconoclast, and with the pope; who, in gratitude to him as the deliverer of Europe, transmitted to him (so the ecclesiastical historians assure us) the very keys once borne by St. Peter, and the very cords with which the apostle had been bound during his imprisonment at Rome. Yet Charles Martel occupied no enviable place in the estimation of the churchmen of his age. In his Saracenic wars he had maintained his army by a sacrilegious seizure and division of ecclesiastical property amongst his soldiers; and we read that, after the death of Charles, St. Eucharius announced that, while wrapt into a state of visionary existence, he had himself been an eye-witness of the sufferings which that great conqueror was undergoing, and would never cease to endure, as the punishment for his impiety. Other teachers, scarcely less eminent than St. Eucharius, solemnly affirmed the same fact. Nor were these monastic reveries as unimportant as they were idle. For,

Fourthly, from the experience of his father, and in no small degree, as it seems, from the terror excited by these legends, Pepin-le-Bref, the son of Charles Martel, adopted, and transmitted to Charlemagne, another maxim, still more valuable than any of those which had before been introduced into the hereditary code of their family. It was the maxim, that the support of the Church was indispensable to the

transfer of the Frankish diadem from the Merovingian to the Carlovingian race. Or, it may be said to have been the maxim, that in order to encounter and subvert the reverence which was still yielded to a merely titular monarch, the supposed descendant of the gods, it was necessary to enlist on their own side religious feelings of a far deeper nature, and of a much more solemn significance.

Pepin-le-Bref lived to establish and illustrate the truth of this opinion. Like his forefathers, he still exhibited, for the homage of the Franks, the phantom of a Merovingian king; though he judiciously selected for that purpose Childeric III., whose personal qualities were precisely those which would most surely provoke, and most completely justify, the contempt of his people. Like his father and grandfather, Pepin-le-Bref convened the national assemblies of the Franks with strict punctuality, and attended them with studious respect. Like his progenitors, also, he invaded the Saxons, the Allemanni, and the Bavarians; and courted the alliance of Constantinople and of Pavia. But in his relations with the Church he far exceeded all the examples of his ancestors. He afforded the most zealous support to Boniface, and to the other Christian missionaries in Germany. He not merely assigned a place in the national assemblies to the bishops and clergy of Gaul, but secured to them the highest rank and authority there. He made such atonement as was in his power for the sacrilegious spoliations of his father. He twice crossed the Alps to rescue Rome from the grasp of the king of Lombardy; and he conferred on the pope and his successors that territorial dominion which, during 1000 successive years, has been the bulwark of their independence and their power.

In grateful acknowledgment of these services, the sentence of Pope Zachary, and the hands of Boniface, placed the crown of Childeric on the brows of Pepin; and while the last of the Merovingians sought shelter in a monastery, a papal anathema consigned to the most fearful of all punishments any one who should presume to dispute the title of the first of the Carlovingians to the kingdom of Gaul.

The political maxims which Charlemagne thus acquired by tradition and inheritance had, to a certain extent, become obsolete when he himself succeeded to the power of his ancestors, and to the crown of his father Pepin. It was then no longer necessary to practise these hereditary arts with a view to the great prize to which they had so long been subservient. But the maxims by which the Carlovingian sceptre had been won, were not less necessary in order to defend and to retain it. They afford the key to more than half of the history of the great conqueror from whom that dynasty derives its name. The cardinal points to which, throughout his long and glorious reign, his mind was directed with an inflexible tenacity of purpose, were precisely those towards which his forefathers had bent their attention. They were—to conciliate the attachment of his German subjects, by studiously maintaining their old Germanic institutions;—to anticipate instead of awaiting the invasions of the barbarous nations by whom he was surrounded;—to court the alliance and support of all other secular potentates of the East and West;—and to strengthen his own power by the most intimate relations with the Church.

I have, however, already observed, that Charlemagne had other rules or habits of conduct which were the indigenous growth of his own mind. It was

only in a mind of surpassing depth and fertility, that such maxims could have been nurtured and made to yield their appropriate fruits. For, first, he firmly believed that the power of his house could have no secure basis except in the religious, moral, and intellectual, and social improvement of his subjects: and, secondly, he was no less firmly persuaded that, in order to that improvement, it was necessary to consolidate all temporal authority in Europe, by the reconstruction of the Cæsarian empire;—that empire, beneath the shelter of which, religion, law, and learning had so long and so widely flourished throughout the dominions of imperial Rome.

Gibbon has remarked that, of all the heroes to whom the title of "The Great" has been given, Charlemagne alone has retained it as a permanent addition to his name. The reason may perhaps be, that in no other man were ever united, in so large a measure, and in such perfect harmony, the qualities which, in their combination, constitute the heroic character; such as energy, or the love of action;—ambition, or the love of power;—curiosity, or the love of knowledge;—and sensibility, or the love of pleasure:—not, indeed, the love of forbidden, of unhallowed, or of enervating pleasure; but the keen relish for those blameless delights by which the burdened mind and jaded spirits recruit and renovate their powers,—delights of which none are susceptible in the highest degree, but those whose more serious pursuits are sustained by the highest motives, and directed towards the highest ends. For the charms of social intercourse, the play of a buoyant fancy, the exhilaration of honest mirth, and even the refreshment of athletic exercises, require, for their perfect enjoyment, that robust and absolute health of body and of mind,

which none but the noblest natures possess, and in the possession of which Charlemagne exceeded all other men.

His lofty stature, his open countenance, his large and brilliant eyes, and the dome-like structure of his head, imparted, as we learn from Eginhard, to all his attitudes the dignity which becomes a king, relieved by the graceful activity of a practised warrior. He was still a stranger to every form of bodily disease when he entered on his seventieth year; and although he was thenceforward constrained to pay the usual tribute to sickness and to pain, he maintained to the last a contempt for the whole *materia medica*, and for the dispensers of it, which Molière himself, in his gayest mood, might have envied. In defiance of the gout he still followed the chase, and still provoked his comrades to emulate his feats in swimming; as though the iron frame which had endured nearly threescore campaigns had been incapable of lassitude, and exempt from decay.

In the monastery of St. Gall, near the Lake of Constance, there was living in the 9th century a monk, who relieved the tedium of his monotonous life, and got the better, as he tells us, of much constitutional laziness, by collecting anecdotes of the mighty monarch, with whose departed glories the world was at that time ringing. In his amusing legend, Charlemagne, the conqueror, the legislator, the patron of learning, and the restorer of the empire, makes way for Charlemagne the joyous companion; amusing himself with the comedy, or rather with the farce, of life, and contributing to it not a few practical jokes, which stand in most whimsical contrast with the imperial dignity of the jester. Thus, when he commands a whole levy of his blandest courtiers, plumed

and furred and silken as they stood, to follow him in the chase through sleet and tempest, mud and brambles;—or constrains an unhappy chorister, who had forgotten his responses, to imitate the other members of the choir by a long series of mute grimaces;—or concerts with a Jew pedlar a scheme for palming off, at an enormous price, on an episcopal virtuoso, an embalmed rat, as an animal till then unknown to any naturalist,—these, and many similar facetiæ, which, in any other hands, might have seemed mere childish frivolities, reveal to us, in the illustrious author of them, that native alacrity of spirit and child-like glee, which neither age, nor cares, nor toil could subdue, and which not even the oppressive pomps of royalty were able to suffocate.

Nor was the heart which bounded thus lightly after whim or merriment less apt to yearn with tenderness over the interior circle of his home. While yet a child he had been borne on men's shoulders, in a buckler for his cradle, to accompany his father in his wars; and, in later life, he had many a strange tale to tell of his father's achievements. With his mother Bertha, the long-footed, he lived in an affectionate and reverend intimacy, which never knew a pause, except on one occasion, which may perhaps apologise for some breach even of filial reverence; for Bertha had insisted on giving him a wife against his own consent. His own parental affections were indulged too fondly and too long; and were fatal both to the immediate objects of them, and to his own tranquillity. But with Eginhard, and Alcuin, and the other associates of his severer labours, he maintained that grave and enduring friendship, which can be created only on the basis of the most profound esteem, and which can be developed only by that free interchange of thought and

feeling which implies the temporary forgetfulness of all the conventional distinctions of rank and dignity.

It was a retributive justice which left Gibbon to deform, with such revolting obscenities, the pages in which he waged his disingenuous warfare against the one great purifying influence of human society. It may also have been a retributive justice which has left the glory of Charlemagne to be overshadowed by the foul and unmerited reproach on which Gibbon dwells with such offensive levity; for the monarch was habitually regardless of that law, at once so strict and so benignant, which has rendered chastity the very bond of domestic love, and happiness, and peace. In bursting through the restraints of virtue, Charlemagne was probably the willing victim of a transparent sophistry. From a nature so singularly constituted as his, sweet waters or bitter might flow with equal promptitude. That peculiarity of temperament in which his virtues and his vices found their common root, probably confounded the distinctions of good and evil in his self-judgments, and induced him to think lightly of the excesses of a disposition so often conducting him to the most noble and magnanimous enterprizes. For such was the revelry of his animal life, so inexhaustible his nervous energies, so intense the vibrations of each successive impulse along the chords of his sensitive nature, so insatiable his thirst for activity, and so uncontrolable his impatience of repose, that whether he was engaged in a frolic or a chase — composed verses or listened to homilies — fought or negotiated — cast down thrones or built them up — studied, conversed, or legislated, it seemed as if he, and he alone, were the one wakeful and really living agent in the midst of an inert, visionary, and somnolent generation.

The rank held by Charlemagne among great commanders was achieved far more by this strange and almost superhuman activity, than by any pre-eminent proficiency in the art or science of war. He was seldom engaged in any general action, and never undertook any considerable siege, excepting that of Pavia, which in fact was little more than a protracted blockade. But, during forty-six years of almost unintermitted warfare, he swept over the whole surface of Europe, from the Ebro to the Oder, from Bretagne to Hungary, from Denmark to Capua, with such a velocity of movement and such a decision of purpose, that no power, civilised or barbarous, ever provoked his resentment without rapidly sinking beneath his prompt and irresistible blows. And though it be true, as Gibbon has observed, that he seldom, if ever, encountered in the field a really formidable antagonist, it is not less true that, but for his military skill, animated by his sleepless energy, the countless assailants by whom he was encompassed must rapidly have become too formidable for resistance. For to Charlemagne is due the introduction into modern warfare of the art, by which a General compensates for the numerical inferiority of his own forces to that of his antagonists—the art of moving detached bodies of men, along remote but converging lines, with such mutual concert as to throw their united forces at the same moment on any meditated point of attack. Neither the Alpine marches of Hannibal nor those of Napoleon were combined with greater foresight, or executed with greater precision, than the simultaneous passages of Charlemagne and Count Bernard across the same mountain ranges, and their ultimate union in the vicinity of their Lombard enemies.

But though many Generals have eclipsed the fame

of Charlemagne as a strategist, no one ever rivalled his inflexible perseverance as a conqueror. The Carlovingian crown may, indeed, be said to have been worn on the tenure of continual conquest. It was on that condition alone that the family of Pepin of Heristal could vindicate the deposition of the Merovings and the pre-eminence of the Austrasian people; and each member of that family in his turn gave an example of obedience to that law, or tradition, of their house. But by none of them was it so well observed as by Charlemagne himself. From his first expedition to his last there intervened forty-six years, no one of which he passed in perfect peace, nor without some military triumph. In six months he reduced into obedience the great province or kingdom of Aquitaine. In less than two years he drove the Lombard king into a monastic exile, placing on his own brows the iron crown, and with it the sovereignty over nearly all the Italian peninsula. During thirty-three successive summers he invaded the great Saxon confederacy, until the deluge of barbarism with which they threatened Southern Europe was effectually and for ever repressed. It has been alleged, indeed, that the Saxon wars were waged in the spirit of fanaticism, and that the vicar of Christ placed the sword of Mahomet in the hands of the sovereign of the Franks. It is, I think, an unfounded charge, though sanctioned by Gibbon and by Warburton, and by names of perhaps even greater authority than theirs. That the alternative, "believe or die," was sometimes proposed by Charlemagne to the Saxons, I shall not, indeed, dispute. But it is not less true that, before these terms were tendered to them, they had again and again rejected his less formidable proposal, "be quiet and live." In form and in terms, indeed,

their election lay between the Gospel and the Sword. In substance and in reality, they had to make their choice between submission and destruction. A long and deplorable experience had already shown that the Frankish people had neither peace nor security to expect for a single year so long as their Saxon neighbours retained their heathen rites, and the ferocious barbarism inseparable from them. Fearful as may be the dilemma, "submit or perish," it is that to which every nation, even in our own times, endeavours to reduce a host of invading and desolating foes; nor if we ourselves were now exposed to similar inroads, should we offer to our assailants conditions more gentle or less peremptory.

He must be a resolute student of history who, on investigating the progress of the conquests of Charlemagne, is neither deterred nor discouraged by the incoherence of the narrative, the complexity of the details, or the difficulties both of geography and chronology which beset his way. The labyrinth can indeed be rightly understood only by those who have patiently trodden it; yet some clue to the apparently inextricable maze may be found in a brief review of the causes which were constantly working out the success of the conqueror.

First. Not only each of his wars, but each of his campaigns, was a *national* act. At Easter in every year he held a great council of war, at which all the Austrasian, and many of the Neustrian, bishops, counts, viscounts, barons, and leudes attended. They followed their king into the field with confidence and enthusiasm, because it was always in prosecution of an enterprise which, though suggested by his foresight, had been adopted with their consent, and sanctioned by their acclamations.

Secondly. In all his wars, Gaul afforded to Charles an invulnerable basis for his military operations. From Gaul he invaded every part of Europe, leaving behind him both an exhaustless magazine of men and arms, and, in case of disaster, a secure and accessible retreat.

Thirdly. Availing himself of the knowledge of his Gallic and Lombard subjects, Charlemagne had effected great improvements in the mere material of war. His Franks were no longer a bare-legged and bare-headed horde, armed with the old barbaric lance and short sword, or defended by a round wicker-worked shield fenced by skins. They now bore the long Roman buckler and a vizored helmet, and were armed with the pilum, with a long-pointed, two-handed sword, and with that heavy club shod with iron knots, which, if we believe the romance of Turpin, was in special favour among clerical combatants, because it enabled them to slay their enemies without contracting the guilt of shedding blood. The Paladins, celebrated by the same warlike prelate, divided, as we know, with their steeds the glory of their achievements, the two being reputed to be almost as inseparable as in the Centaur; a legend which had its basis in Charlemagne's habit of mounting his cavalry on horses of prodigious power, bred in the pastures of the Lower Rhine.

Fourthly. If not a master of the art of war, he was far removed in this respect from the barbaric chiefs who first led the Salian and Ripuarian hordes into Gaul. With Rome and Roman examples ever before his eyes, he knew, as I have indeed already observed, how to move his armies in separate corps, at once detached and connected; and with unerring geographical knowledge was able always to direct his

blows at the vulnerable points of the various countries which he successively invaded.

Fifthly. Imitating the policy of Cæsar, and anticipating that of Napoleon, Charlemagne made war support itself. Neither in his capitularies, nor in the chronicles of his reign, is there any proof or suggestion that his troops ever received or expected any pay or military allowances. War was at once their duty, their passion, and their emolument. In that age every proprietor of land, allodial or beneficial, equipped, armed, and mounted his own followers; and companies, regiments, or battalions were but so many gatherings on the field of those who were accustomed to live in the immediate vicinity of each other as leudes, as free husbandmen, or as coloni.

Sixthly. Charlemagne borrowed from Rome, and transmitted to the modern emperor of the French, the example of making each new conquest the basis for a further acquisition. He constrained the vanquished Lombards to march under his standard against the Saxons and the Bavarians, and to assist at the sieges of Barcelona and Pampeluna. In every nation which he subdued, he found or made recruits for the subjugation of some yet unconquered people; and taught more than half the European world to exult in the successes of a monarch who had first triumphed over themselves.

Seventhly. In his campaigns in Spain, in Lombardy, and in Aquitaine, Charlemagne may be said to have contended with the *superstratum* of society, and to have availed himself of the alliance of the *substratum*. The old Iberian, Gothic, and Italian populations regarded him as the antagonist of the dominant Saracens in the one peninsula, and of dominant Lombards on the other. To divide and conquer

was, indeed, his unfailing maxim in whatever country he invaded, as often as he found the inhabitants of it already separated from each other by religion, language, or traditions; by public, social, or domestic customs; in short, by any of the distinctions which promote and exasperate international animosities. In this respect, Charlemagne at Barcelona or Pavia, was the exact prototype of Napoleon at Milan or at Warsaw.

Eighthly. Charlemagne is among the most memorable examples of the union in the same mind of the most absolute reliance on its own powers, and of the most generous confidence in the powers of his subordinate officers. Such was the continuity and the promptitude of his own military movements, that, in studying them, one is tempted to assign to the railroad an existence a thousand years earlier than the birth of George Stephenson. So important were the commands which he entrusted to his lieutenants, that, on reviewing them, one is tempted to imagine that the great conqueror himself was accustomed to luxuriate in the repose and enjoyments of his palace at Aix-la-Chapelle. It is difficult to say which of the two suppositions would be the more erroneous.

Finally. The establishment of the vast empire over which Charlemagne reigned during almost half a century, is to be ascribed chiefly, and beyond all other causes, to the character he sustained as the ally and champion of the Church. I will not now anticipate the subject of a future lecture; but waiving, for the present, all higher and all more recondite considerations, I limit myself to the remark, that in an age in which all the other elements of human society were in discord, the Church and the Church alone maintained a unity of opinion, of sentiment, of habits,

and of authority. On that unity, the great basis of her own spiritual dominion, the Church enabled Charlemagne to erect the edifice of his temporal power; while he, in turn, employed that power in the defence of her rights, and in the extension of her authority. Disastrous as that alliance may have been to some of his successors in the German empire, it was to himself the main pillar and buttress of his state; as it might have remained to future ages, if the heirs of his crown had also been the heirs of his wisdom.

The marvellous series of events of which I thus recapitulate the main causes, may be studied in the Annals of Eginhard and in his Life of Charlemagne, in the Chronicle of St. Denys, and in the Saxon poet published by the Benedictines; or, if that labour be too repulsive, they may be read (though not with equal interest) in the history of our own countryman and contemporary, Mr. James. But, to be seen in all the vivid colouring in which former ages contemplated them, they must be surveyed in the works of a much more amusing, though far less authentic series of writers — in the romance of Lancelot, in the Gesta of William the Short-nosed, in the legend called Philomela, in Turpin's Chronicle, in Pulci, in Boyardo, and above all in the Orlando Furioso, where genius, in the exercise of her legitimate despotism, has inverted the whole current of history, changing Charles, the Glorious and the Wise, into an enchanted knight surrounded by his paladins, and elevating to the seventh heaven of chivalry his kinsman Rolando, of whom history knows only that he fell before the treacherous Gascons at the pass of Roncesvalles. Yet Poetry, amidst all her wildest fictions, has, in these legends, perpetuated the record of one great and

memorable truth, the truth I mean, that the contemporaries of the great conqueror and their descendants, to remote generations, cherished the traditions of his mighty deeds with enthusiastic delight, and lavished on his memory every tribute which either history could pay, or imagination offer.

And yet they who lived in his own age appear to have been impressed by the grandeur of his foreign and domestic policy even yet more than by the magnitude of his warlike achievements. The sources of this illusion (for such I conceive it to have been) may be discovered with no great difficulty. At that period the imagination of mankind was in bondage to the three venerable or splendid thrones which represented the Papal, the Imperial, and the Mahometan dynasties. The successors of Peter, of Cæsar, and of Mahommed divided between them the homage of the world; and Charlemagne aspired to wear the united diadems of Rome and Constantinople,—to govern the papacy,—and to obtain the alliance and support of the Kaliphat. He thus sought to combine, in his own person, all the titles to all the reverence which the men of his generation yielded to power, whether royal or sacerdotal; and though the enterprise was not really successful, the magnitude and audacity of the attempt was not unrewarded by a large share of the admiration for which he thirsted.

Pope Stephen I. had crowned and anointed Pepin-le-Bref. The second pope of that name was indebted to the son of Pepin for his personal safety, and for the extension of the papal dominions. Adrian, who sat in the Apostolic chair during twenty-two years, received from Charlemagne a renewal and an extension of the same benefits, and manifested his gratitude by placing the Lombard crown on the brows

of his benefactor. Thenceforward the Frankish king and the successor of St. Peter lived together rather as personal friends than as political allies. Charles became the protector of Adrian against all his enemies, whether Greek, or Saracen, or Italian. Adrian became the zealous guardian of the rights of Charles within the Italian peninsula. The letters of the pope to the king are such as in our days an ambassador or a viceroy might address to the sovereign whom he represents in some distant state or province. At one time he congratulates the conqueror on his victories,—at another he transmits to him martyrs' bones and consecrated banners,—or invokes his aid against the invaders of the papal territory,—or solicits his personal presence at Rome,—or entreats that delegates may be sent to represent him there,—or asks an augmentation of the ecclesiastical territories,—or requests that materials may be sent to him for reconstructing the cathedral of St. Peter;—but, whatever may be the occasion, the language of the pontiff is still that either of a subject addressing his prince, or of a patriarch accosting a much loved disciple and much honoured friend. That the attachment was sincere and mutual, it would be a gratuitous scepticism to doubt. Though he could not write his own language, Charles could dictate Latin verse; and, on the death of Adrian, he composed for him an epitaph, which was engraven in letters of gold on his tomb, and long attested the remembrance and the regrets of his surviving associate. For the following extract from this imperial elegy, I am responsible only so far as relates to the accuracy of the quotation.

Post patrem lacrymans, Carolus hæc carmina scripsi;
Tu mihi dulcis amor, te modo plango pater.
Nomina jungo simul, titulis clarissima, nostra
Adrianus, Carolus; rex ego, tuque pater.

Leo, the successor of Adrian, was exposed to the ill-will and the persecution of the Roman populace, and he therefore riveted yet more strongly the bonds which united the papal and the Frankish powers. Crossing the Alps he sought and obtained the protection of Charlemagne against the turbulence of the city; and requited his protector by hailing him with the titles of Cæsar, and Imperator semper Augustus — titles so long unheard, but so indelibly engraven on the memory and the imagination of mankind.

Nor was this the unforeseen result of any sudden impulse. The elevation of the Frankish king to the imperial dignity must have been preconcerted with Leo during his residence in Germany, if not with Adrian, at an earlier period. M. Guizot, indeed, regards it as the step at which Charlemagne first deviated from a patriotic into a selfish policy; and, therefore, as the step from which commenced the decline of the Carlovingian power. The apologist of the monarch might answer, and perhaps justly answer, that though conquest was the inevitable basis of the Austrasian throne, it is a basis on which no throne can be long securely rested;—that it, therefore, behoved Charles to sustain his material power by those moral powers which are the indispensable condition of all enduring dominion;—that the moral powers within his reach were imagination and reverence; imagination to be enthralled by the reviving image of the Cæsars, reverence to be conciliated by the combination of whatever was most illustrious in secular history with whatever was most sacred in ecclesiastical traditions;—that the union which he formed between the Church and the State seemed, therefore, to promise to the crown the support of the holiest sanctions, and to the tiara the aid of the

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firmest political power;—that, so long as that union endured, this promise was actually fulfilled;—that when it was at length dissolved, both the Church and the State were plunged into an anarchy, which, at the end of more than a hundred years, issued in the Feudal and the Papal despotisms;—and that, however much the hopes with which the empire was revived were frustrated, it was on that revival alone that any foundation of hope could, in that age, have been discovered by the most penetrating foresight, animated by most ardent philanthropy.

The apologist of Leo and of Charles, if he be discreet, will not however deny that hope sometimes elevated them into that visionary world, into which perhaps all of us too often seek to escape from the tame possibilities of our actual existence. We may, indeed, receive with some distrust the story of the intended marriage of the Western emperor and of Irene, the empress of the East; a marriage by which all the dominions of Constantine and all the fold of St. Peter were to be once more united under their respective heads, secular and ecclesiastical. But it can hardly be doubted that such a restoration of the imperial and of the papal dynasties to their original extent of authority was the subject of solemn and even of serious debate between the Roman, the German, and the Byzantine courts; and that the betrothment of Constantine Porphyrogenitus, the son of Irene, to Bertha, the daughter of Charles, was intended to lay the foundation of it.

The embassy on this subject, which was dispatched to Aix-la-Chapelle by Nicephorus, who deposed and succeeded Irene, has supplied the monk of St. Gall with some of the amusing incidents which it is his delight to describe, and which would be ill-exchanged for much of

the information with which graver historians so often instruct and fatigue their readers. Envoys from the Frankish monarch had, it seems, received a cold and discourteous entertainment from Nicephorus at Constantinople. Charles, therefore (if we may believe the garrulous monk), avenged his injured dignity by providing the Greek ambassadors with guides through the Alps, who were directed to conduct them along the wildest passes and the most tedious routes. The Greeks accordingly reached Germany with their persons, dress, and equipage in the sorriest plight imaginable. On their arrival Charles, is said to have had them introduced to four of his chief officers in succession, each arrayed in such splendid apparel, and attended by so large a retinue, as to induce the bewildered envoys to render four times over to his servants, a homage which they could not pay, except to his own imperial person, without a great loss of dignity; until at length (so runs the chronicle), they stood in the presence "of the most illustrious of kings, resplendent as the rising sun, glittering with gold and jewels, and leaning on the arm of the very man whom their master had presumed to treat with disrespect!"

It happened to be the festival of the Circumcision; and the Greeks had brought with them (says the monk), as a present, a musical instrument which, by means of brazen tubes and bellows of ox hides, produced sounds alternately as solemn as the thunder and as gentle as the lyre. Singing in their own language the psalms appropriated to that holy season, they were overheard by Charles; who, enraptured by the sacred harmonies, commanded his chaplains to eat no bread till they had laid before him a Latin version of those beautiful anthems. He had mortified the effeminacy and retaliated the rudeness of his Greek

allies, but he enthusiastically felt and acknowledged the charms of their superior civilisation. Nor was their embassy ineffectual. The dreams of re-uniting the East and the West had indeed fled with the deposition of Irene; but her successor formally acknowledged the Austrasian monarch not merely as Rex, or Basileus, but as Imperator also; and concurred with him in tracing the line which separated their respective empires in Italy, on the banks of the Danube, and on the shores of the Adriatic.

A sovereign of far wider renown than Nicephorus, even Haroun al Raschid, the hero of so many of the thousand and one nights, had during his war with the Byzantine empire sought the alliance of the Franks, who were then in arms against the same power. The monk of St. Gall is again the entertaining historian of the embassy which explored the almost unknown world interposed between the caliph in Persia and the emperor at Aix-la-Chapelle. The reception of his Mussulman guests, the banquet, and the chase provided for their amusement, their hyperbolical raptures and compliments, and the amenity with which Charles received the indiscreet freedoms into which good cheer betrayed them, are all delineated with the hand of a painter. From less amusing authors we learn that the caliph bound himself to succour all Christian pilgrims resorting to the Holy Sepulchre, and to protect all Frankish merchants in the prosecution of their affairs in Syria. The alliance between Charlemagne and the commander of the Faithful was, indeed, opposed by no very serious impediments. Their empires were no where conterminous; nor, except on the ground of their religious differences, had those sovereigns any motive for mutual hostility. And, even in that remote and superstitious

age, sympathy of character and a palpable identity of interests were of more power to unite the rulers of the world than conflicting creeds were of power to alienate them from each other. To the sentiment of mutual admiration, Charles and Haroun added the knowledge that, to curb the Greeks in the East, and to weaken the Saracens in the West of Europe, were the common objects of the policy of each; and on that basis they entered into friendly relations, which, cemented by an occasional interchange of diplomatic courtesies, and disturbed by no jealousies on either side, continued in force until both the Arabian and the Frankish sceptres had passed into other hands than theirs.

Of that inevitable change, as indeed of the other limits which must circumscribe all human greatness, Charlemagne seems to have been habitually forgetful. It was not enough to have established peace in his hereditary states—to have invented a new art or system of war—to have acquired an empire as extensive as that of Honorius—to have triumphed in sixty campaigns over all its enemies—to have formed alliances extending throughout the whole civilised world,—and to have made the Catholic Church herself his tributary. He must enter into a conflict with the nature of man himself, concentrating all power in his own person, and ruling all the provinces of his vast dominion in the spirit of an indiscriminating and inflexible uniformity. The same impatience of the tardy growth of national institutions, the same desire to produce at once magnificent and harmonious results, and the same pride of conscious superiority which animated Charlemagne, has taken possession of almost each in turn of the great founders of the dynasties of our world. In each

of them it has been ineffectual. The passion to concentrate and to assimilate, has ever been opposed by the same insuperable obstacles; and the mightiest human authority has at last been compelled to obey that public will, of which itself is, in reality, but the creature and the agent.

Thus Charlemagne was an Austrasian, and consequently could not extricate himself from the bonds by which the traditionary maxims of Germany restrained the powers of the German monarch. They regarded him as a Kyning, not as an Autocrat; and therefore he could not enact laws for their government without the concurrence of the national assembly. Even *with* their concurrence it was not really in his power to legislate in any other than the Teutonic spirit. It was under the coercion of these fetters, and of many others such as these, that Charlemagne promulgated his vast collection of Capitularies; the imperishable monument of his stupendous activity, and the yet living picture of society, whether ecclesiastical, political, military, civil or moral, of the age which gave them birth. M. Guizot has analysed the contents and explained the structure and principles of this code with such a compass of learning, and with such an affluence and profundity of thought, as might seem to render any further elucidation of it superfluous, if not impossible. I shall venture, however, to touch on some of those more important details for which no proper place could have been found in a survey made from the commanding heights of political philosophy on which that great writer is accustomed to take his stand, and from whence the lower world is contemplated in a light which occasionally loses in distinctness what it gains in breadth and brilliancy.

In a celebrated passage from Hincmar, which is transcribed at length by M. Guizot, and referred to by all the other authorities, we have the authentic record of the constitution and of the habitual proceedings of the legislature of the Franks. It describes the gatherings of the bishops, dukes, counts, viscounts, and leudes at each autumn to consider, and at each spring time to adopt, such measures as the exigencies of the state required. From the same source we learn that, though Charles himself seldom assisted in person at these deliberations, he possessed and exercised at them all the real initiative, and that these synods, courts, parliaments, or councils of war (for they were each in turn) had thus much in common with the parliaments held in far distant times in Paris; that, like them, they met rather to accept and record the decisions of the sovereign, than to anticipate or suggest measures of their own.

All the French commentators on the history of their own country are amazed at the incoherence of the Carlovingian capitularies, where enactments on every imaginable subject follow each other in a succession so arbitrary, that it might seem to have been suggested by caprice, or dictated by chance. He, however, who is conversant with the early volumes of our own statutes at large, is familiar with a similar phenomenon, and with the cause of it. In the times of our Plantagenets, all the petitions of parliament to the sovereign were presented to him at the end of each session in their chronological order; and, when his assent was obtained, they became collectively what was, and is still, regarded as a single statute. Now, suppose the same course to have been followed with the three or four hundred acts of Parliament of the year 1849, and further suppose them to have

been published without the typographical aid of chapters, numerals, titles, sections, marginal abbreviations, and so on; and then the statute 11 & 12 Victoria would rival in incongruity and incoherence any of the statutes of Edward I., or any of the capitularies of Charlemagne.

The legislature of England, however, was not accustomed to confound the province of the lawgiver with that of the moralist in the same manner, or to the same extent, as those clerks in holy orders who drew up the enactments of the Champs de Mai, and who took the opportunity of infusing into them various maxims of virtue, and no less frequent exhortation to the practice of it. Yet some trace of a similar habit still lingers in the dogmatic preambles which so often introduce our acts of parliament; and the Frankish custom had at least the advantage of keeping alive the remembrance of the union which ought to be indissoluble between the eternal principles of morality and the fluctuating exigencies of positive law.

To reduce the Carlovingian code to any digested form, like that of Justinian or Theodosius, is abandoned as a hopeless task by all commentators and especially by M. Guizot, who, of all of them, has most strenuously wrestled with the difficulty. For our immediate purpose it will be enough to say that all the more important of the capitularies of Charlemagne may be classed under the five heads of ecclesiastical, military, penal, administrative, or organic laws; and that, under each of those heads, they exhibit the same propensity to centralise and assimilate, — a propensity ever active but ever kept in check by the combined powers of public opinion and of national customs.

First. The capitularies of 769 and of 779 are wholly or chiefly composed of *ecclesiastical* canons; and the assemblies by which they were enacted are accordingly enumerated by the Benedictines among the councils of the Gallican Church. Yet these laws purport to be promulgated by "Carolus, Dei gratiâ rex regnique Francorum rector, et devotus Sanctæ Ecclesiæ defensor; atque adjutor (in omnibus) Apostolicæ Sedis." He is, indeed, represented as acting on the advice of the council of the bishops and the other clergy, but also as acting on the advice of his "fideles" also. To be legislator for the Church as well as for the State was essential to the unity and universality of his power; and, as the papal monarchy was still only in embryo, the Church would seem to have acquiesced, or rather to have rejoiced, in the usurpation.

Secondly. In the capitularies of the year 807 occur the most memorable of the *military* laws of Charlemagne. They required every owner of a benefice to march against the enemy; they enjoined the attendance on the army of every man possessed of not less than three mansi; but of two men, each possessing only two mansi, or of three men, each possessing a single mansus, one only was to serve. The counts were required to present themselves at the Champs de Mai, with their vassals and their chariots. Each defaulter was to pay a fine or escuage of sixty sous. If the offender held any dignity or office under the crown, a fast of a certain number of days was to be the penalty of his absence or delay; and, finally, each soldier was to provide himself with rations, arms, and clothing for three months. From these enactments it appears therefore, first, that the conscription was not a novelty of the age of Carnot and Napoleon; and,

secondly, that military service did not become the condition of the tenure of lands, for the first time, under the feudal system; and, lastly, that the same vigorous arm which held in subjection the depositaries of religious and moral power, was able to control, with at least equal energy, the physical or material forces of the empire.

Thirdly. But when Charlemagne would regulate the state of his people in relation to their property, and their obligations to himself or to each other, the spirit of centralisation and uniformity was opposed by an antagonistic spirit with which not even he could successfully contend. Each of the nations over whom he ruled possessed its own code, and each of his subjects could, at his pleasure, transfer his allegiance from one to another of those systems of national law. The invasion of this privilege would have been made at the eminent hazard, or rather at the certain sacrifice, of the dominion of the innovator. In the *penal* capitularies of 803 may, therefore, be traced at once the endeavour to amend the Frankish, Gallic, Lombard, and Saxon laws, and the impediments which rendered that attempt ineffectual. Though aided by all the knowledge, religious and secular, of his learned associates, Charlemagne was constrained to legislate for his people in the spirit of his Salian and Ripuarian ancestors; not superseding their codes but completing them; leaving the law personal not local; and adhering to the barbarous system of regarding crime, not as a wrong to society at large, but as an injury to the individual sufferer; not as an offence to be punished by the state, but as a damage to be compensated by pecuniary composition.

Fourthly. In his *administrative* capitularies, Charles combined the imperial spirit, which acknowledges no

division of authority, and tolerates no departure from a prescribed model, with the barbaric spirit which governs an empire and a private household with the same microscopic vision. Gibbon has derided the Carlovingian legislation about the royal eggs and poultry. Nor is it possible to deny, or easy to exaggerate, the whimsical contrast which the great capitulary *de Villis*, of the year 800, presents to the usual style of the edicts of sovereign princes. Yet the critic ought not to have concealed that this capitulary was a great fiscal law, regulating, in the most minute details, the management of the estates from which the charges of government were principally defrayed, and the splendour of royalty was chiefly supported. A barbaric splendour, it is true; a splendour like that of some Homeric chief presiding at a table which a whole battalion of cooks had supplied for a host of voracious guests, as indomitable at the board as in the field. But no document of that age exhibits with equal clearness either the habits of social life, or the exactness of the care with which Charlemagne surveyed the whole compass of his administration, domestic as well as public; or the solicitude with which he laboured to reduce to one uniform system the most insignificant, as well as the most important, of the functions which he confided to his subordinate officers.

Fifthly. Two years later, that is, in the year 802, he promulgated the most remarkable of all his capitularies. It is that which regulates the functions of the officers called missi dominii, and which, therefore, belongs to that class of laws which I have distinguished as *organic*. The duty, or rather the prescribed duty, of the missi dominii was to traverse every province of the empire, to represent the person

and to wield the delegated authority of the emperor, to redress all grievances, and to punish all offenders, in his name, and annually to report to him what were the wants, and what the condition of every class of his people. They were to be the organs and the ministers of a great central power, of which the sovereign himself was to be the one superintendent. They were to infuse unity of spirit and of system into the disjointed members of an empire of vast extent, peopled by nations in every gradation, from the barbarism of Saxony to the comparative civilisation of Southern Italy. No interest was so extensive, none so minute, as to lie beyond the range of their inquiry and intervention. The law itself, and the instructions issued in pursuance of it, remain as a monument of unrivalled vigilance, circumspection, and jealousy; and indicate a strange impatience of the narrow limits of the human understanding, and an insatiable thirst for powers more than human.

It is only when regarded in this light that this celebrated law appears to me to merit its celebrity. I am aware of no proof that it was ever reduced into practice, except in a very few particular cases; nor do I perceive any reason for believing that it was even really practicable. It presupposes a facility of internal communication and intercourse between different parts of the empire—an organisation of the various departments of the government—a distribution of forces civil or military—an habitual obedience to the royal or imperial authority—and a central establishment for the revision of the reports of the commissioners, and for giving effect to their advice, such as scarcely exists at the present moment in any of the great commonwealths of modern Europe. That such a law should have been

really executed would have been little less than a miracle. That in the days of Charlemagne there should have been found councillors to devise, and a prince to promulgate, so complex and comprehensive a scheme of internal administration, is, however, a fact of very deep interest, as exhibiting the progress which, even in that age, had been made by statesmen in the art destined to so strange a perfection in future ages—the art of Eutopian legislation.

And wonderful, indeed, was the assemblage, and marvellous the intellectual culture of the great men to whom, without any injustice to Charlemagne, we may ascribe the conception as well as the compilation of those voluminous laws which bear his name. Eginhard, Hincmar Alcuin, John Erigena, and many others, not unworthy to be associated with them, had in fact converted the court of Aix-la-Chapelle into an academy, the seat of many noble studies, and among them of the study of civil polity. Plato and Aristotle had hardly reached them except in the faint reflection of their Latin imitators. But those great scholars of the 8th and 9th centuries, like the great scholars of earlier and of later ages, delighted in ideal reconstructions of human society; yet with this peculiarity, that *they* inscribed their day dreams not on fugitive leaves for the amusement of the studious, but in solemn enactments for the government of mankind. They were, however, the grand conceptions of the noblest intellects which then occupied themselves about human affairs. Their political philosophy may have been visionary; but in their own more appropriate sphere of diffusing literature, science, art, morals, and religion among their contemporaries, they received from Charlemagne such aids, and have conferred upon his reign

and his memory such glories, as it has severely taxed the learning even of the Benedictines to illustrate. With their aid I hope on some future, though perhaps distant, occasion, to bring under your notice, an outline of those labours. When we next meet, I propose, however, to inquire into the causes which so rapidly subverted that splendid imperial edifice, of the foundation of which I have thus attempted to lay before you a rapid and most imperfect outline.

LECTURE IV.

ON THE DECLINE AND FALL OF THE CARLOVINGIAN DYNASTY.

In pursuance of the plan which I announced at the commencement of these lectures, I proceed to inquire, What were the causes of the transfer of the dominion of France from the Second Dynasty to the Third, from the lineage of Pepin to that of Hugues Capet?

The great aim and glory of the life of Charlemagne had been the revival of the empire of Rome in an intimate alliance with the Church of Rome. This was still the dominant idea of his mind at the approach, and in the contemplation, of his death. It was, indeed, an illusion to believe that the world was ripe for such a design. It was perhaps a still greater illusion to suppose that his own children were qualified to accomplish it. But it was a conviction worthy of his foresight, that his restored empire, at once Roman and Catholic, could be maintained (if at all) only by making great sacrifices, and by incurring still greater

risks, — that dominions so vast and incoherent could be governed (if at all) only by the intervention of viceroys, acting in his name and representing his person — and that a trust so critical would be most safely reposed in those who were bound to him by the strongest ties of interest and of nature. In the undiminished vigour of his mental and bodily health, Charlemagne, therefore, raised his three sons to the royal dignity; committing the kingdom of Aquitaine to Louis, the kingdom of Germany to Charles, and the kingdom of Italy to Pepin. The word "King," in that age, however, corresponded not so much with the same word in our modern use of it, as with the title of General, or Commander-in-chief. The three royal sons of Charlemagne acknowledged their subordination to himself as their emperor, bowed to his commands as their father, and silently acquiesced in the rebukes which, in the one or the other capacity, he not seldom addressed to them.

Having survived both Charles and Pepin, Charlemagne transferred the Italian crown to Bernard, the son of Pepin, and associated to himself, as his colleague in the empire, Louis, king of Aquitaine, better known in history by his title of Louis le Debonnaire. When, on the death of Charlemagne, Louis succeeded to the undivided possession of the Carlovingian empire, Bernard, the son of his elder brother, took up arms in defence of his title (perhaps his superior title) to that splendid inheritance, and perished in the attempt.

Following the example of his father, Louis le Debonnaire made three successive partitions of the empire amongst his children. To Louis, known in history as Louis the Germanic, he assigned the kingdom of Bavaria; to Pepin, the kingdom of Aqui-

taine ; and to Lothaire, first, the kingdoms of Italy and Gaul, secondly, the whole of Germany (except Bavaria), and, thirdly, a participation in his own imperial crown and dignity. On the subsequent birth of Charles, his fourth son (afterwards called Charles the Bald), by Judith, his second wife, Louis le Debonnaire created in his favour, and at the expense of Lothaire, a kingdom composed of Suabia, of Switzerland, and of the Grisons; which was called, "the kingdom of Germany."

I do not affect to state these territorial divisions with precise accuracy; nor with a view to my immediate purpose is such exactness necessary. It is enough to have explained the general nature of the measures by which Louis le Debonnaire attempted at once to retain to himself a supremacy over the whole empire, and to place each of the four great component members of it under the government of a distinct, though subordinate, sovereign. The military and political history of France during the rest of his reign, records little else than the civil wars to which these partitions gave the occasion or the pretext. If we advert only to the motives of the belligerent princes, this protracted contest will appear a merely selfish struggle for power, originating in the jealousy with which the fortunes of Charles the Bald were regarded by his brothers. If we advert to the motives which animated the Gallic, the German, and the Italian nations to follow their standards, this long and sanguinary warfare will assume a higher and more enduring interest.

During the reign of Charlemagne, the relations between Gaul and Germany had undergone a silent, but a total, change. He was himself, in the fullest sense of the word, a German. His habits, tastes, and

pursuits, his favourite associates, his chosen residences, and his imperial policy, were all Teutonic. His house was indebted to German warriors for its elevation. From the German race he selected his chief officers, civil, military, and ecclesiastical. Germany was thus at once the basis and the seat of his empire.

During the same period, Gaul had descended from metropolitan to provincial rank. The Gallic people no longer constituted the military strength of their sovereign; they no longer exercised a predominant influence in his councils; they ceased to receive the principal, or even an equal share in the honours and emoluments at his disposal. The ancient conflicts between the Neustrian and the Austrasian kingdoms were falling rapidly into oblivion. They were superseded by other, by more important, and more enduring rivalries. The Rhine now separated two nations who were united to each other only by their common subjection to the same crown, but were disunited by conflicting interests, prejudices, and opinions. As if at once to indicate and to increase this disunion, either people accepted or assumed new national designations. Hitherto they had both borne the common name of Franks. To the inhabitants of Gaul, north of the Loire, it was a name which the traditions of three centuries had rendered venerable and attractive. They, therefore, gave to that territory the title of Francia, and to themselves the name of François or Frenchmen. But the Franks on the right bank of the river regarded themselves only as one of those many nations comprised within the dominion of Charlemagne, which were collectively designated by the comprehensive and appropriate name of Germans. Louis le Debonnaire was not the emperor of the Franco-Gallic

people, that is, of Franks and of Gauls united by national sympathies. He was the emperor of the French and of the Germans; that is, of two populations alienated from each other by national antipathies.

When, therefore, the three eldest of the sons of Louis plunged into a series of civil wars with their father and with each other, to gratify their selfish ambition, they were able to rouse their subjects to arms by appealing to motives both more profound and more elevated than their own. The component members of the empire of Charlemagne had become impatient of the bonds which held them together. The French, the Italians, the Aquitanians, and the Burgundians, resented their subordination to a remote and foreign metropolitan power, and saw in the banners of their youthful kings the standards of their national independence. On the other hand, Louis, the son and heir of Charlemagne, appeared to the Germanic people as the champion of German ascendancy; and that people gathered round him to maintain his dominion over provinces which they had so long considered as tributary to his crown, and as standing in a kind of inferior relation to their own fatherland.

The nations of Europe, therefore, drew the sword, not to promote the selfish purposes of their respective sovereigns, but to maintain a great general principle. No spectacle can be more revolting than the civil wars of Louis and his sons, if viewed in the light in which those princes regarded them. No conflict can be imagined in which the magnitude of the object better atoned for the fearful sacrifices by which it was accomplished, if viewed in the light in which the actual combatants regarded them. The French and the Italians may be said to have composed two

patriotic hosts, under the command of two parricidal leaders.

After rending asunder the dominions of Charlemagne into their three chief component parts, these centrifugal forces, still retaining their activity, though changing their direction, began to resolve each of those three divisions into the elements of which it was mainly composed. Thus, in the territories comprised within the limits of ancient Gaul, the Bretons, the Aquitanians, the Provençaux, the Burgundians, and the people of Lorraine, each in turn extorted from Charles the Bald, or from his successors, the recognition of the royal character and authority of their respective kings or dukes. It was not, indeed, an authority which rejected all dependence on the King of France. In some indefinite sense he was still regarded as the superior and liege lord of such of those provincial monarchs as reigned within the limits of his kingdom. But his own proper and undisputed dominion lay within that region of which the Meuse is the northern, and the Loire the southern boundary. There, surrounded by these new Gallic states, at once subordinate and hostile to him, at the same time his allies and his rivals, he ruled over the territory which was even then regarded as the seat and centre of the Gallic power, and which was destined to ascend through long ages of toil, of disaster, and of war to an absolute supremacy over all the states amongst which Gaul was for the present dismembered.

I formerly observed, that the coincidence between the fortunes of the two first French dynasties was too remarkable to have been fortuitous;—that, during the five centuries over which these phenomena extended, there must always have been at work some

forces conducing to this reproduction of the same results,—some effective agency, of which man himself was at one time the unconscious, and at another time even the unwilling, instrument,—and I proposed to inquire what were those enduring springs of action, by the elastic force of which each of the Franco-Gallic monarchies arose with such similar energy, declined with such similar promptitude, fell into so similar a lifelessness, made way for so similar an aristocratic usurpation, and were so similarly productive of results, the unexhausted influence of which we can yet perceive and feel after the lapse of so many years?

To this question, so far as it respects the Merovingian Dynasty, I answered by ascribing this agency and these springs of action to the barbarism of the Frankish monarchs and of their Frankish subjects; or, in other words, to the energy, the rapacity, the ignorance, and the recklessness of the barbaric conquerors of Gaul. I may, however, seem to have been hitherto engaged in tracing the decline and fall of the Carlovingian Dynasty to a cause the most remote from these. I have thus far ascribed that catastrophe to a long series of successful struggles for national independence. Now, it is no barbarous triumph to achieve deliverance from a foreign yoke by force of arms, that so a solid basis may be laid for a domestic government. It is rather amongst the most sublime efforts of human daring, in the highest state of man's social advancement. Scotland, Switzerland, Belgium, Portugal, and America, point with just exultation to those pages of their history which record their successful revolt against a metropolitan power. With what reason, then, can we stigmatise, by reproachful

or injurious terms, the corresponding passage in the history of the Franco-Gallic people? If it was glorious for the nations of Europe to break the yoke of Napoleon, can it have been inglorious, or a proof of barbarism, for their remote ancestors to have broken the yoke of the descendants of Charlemagne?

Such problems as these can never receive their correct solution until they have been correctly stated. The question, as I have proposed it, assumes that they, by whom the independence of Gaul on the Germanic or Carlovingian empire was established, were themselves really identical with the Gallic people. That assumption is, however, erroneous. Between those patriotic hosts and the mass of the population of Gaul there existed, throughout the whole of this protracted struggle, the broadest possible distinction.

Man, in his barbarous state, is gregarious. He does not become social till he is civilised. He does not reach the highest attainment of all, which is the right use and enjoyment of solitude, until after the choicest culture of his moral and intellectual powers. Thus the German invaders of Gaul were gregarious. They had dwelt together in their native forests rather as herds of men than as societies. When they settled themselves in the conquered country, and abandoned their migratory life for sedentary pursuits, they found the exchange in the highest degree wearisome and oppressive. To have become solitary husbandmen, shepherds, or tillers of the ground, would have been to counteract all their natural propensities and acquired habits. They therefore formed themselves, not indeed as before into transient encampments, but into the nearest practicable resemblance to them. Gathering round their chief, and holding the land in a kind of partnership with him, his leudes or com-

panions divided their time between the excitements of the chase, the pleasures of a rude carousal, and the repose of protracted slumbers. The slaves whom they either found or made, tended their flocks, and, under the charge of a manager or villicus, bestowed on their lands such rude husbandry as was then in use; sometimes rendering a stipulated rent in kind, and at other times laying up the produce in store for their masters, after deducting only what was necessary for their own bare subsistence.

Thus the rural society of Gaul, after the Frankish conquest, came to be composed of three great classes, the lords, the vassals, and the slaves. How each of those classes was subdivided has been explained by M. Guizot in the fourth of his Essays on the History of France, in so luminous a method, and with such a prodigality of learning, as to leave his readers nothing to regret except that their teacher has permitted to them no scope for the unprompted exercise of their own powers of reflection.

There were however, in constant operation, causes tending to detach the second of these classes, that is, the free vassals, from their rural settlements. When brought within the influence of the manners of imperial Rome, as still prevailing within the Romano-Gallic province, the German Kyning, and each of his greater chieftains, sought to surround himself with a court resembling that of a Prætorian Prefect. To such a court the vassals in his vicinity thronged with eagerness. As the power of every great seigneur consisted in the wealth and number of his dependants, he welcomed all who resorted to him in that character. And such retainers were never wanting at the residence of any such seigneur, for there alone were to be obtained the substantial benefits of grants of land and

of civil and military offices, the imaginary benefits of titular distinctions, or the social benefits of more plentiful cheer, of louder revelry, of keener debate, and of a nobler chase than that of the sequestered village where the German horde had fixed their Gallic settlements.

If these innovations on the habits of Germany were subversive of the ancient German equality of all free men, they tended still more strongly to the extinction of personal freedom amongst the cultivators of the soil throughout the conquered country.

In the yet extant capitularies of Charlemagne may be found ample proofs of the social revolution which was thus produced by this aggregation of the free vassals at the courts of their lords or sovereign. That revolution consisted in their abandonment not merely of rural life, but of all interest in the culture and even in the ownership of the soil. Such pursuits were at all times unwelcome to the German warriors, repugnant to their national tastes, and hostile to their gregarious habits. But they became absolutely intolerable when contrasted with the festivities, the excitement, and the indolence of the royal or seignorial courts, or with the yet keener delights of war, of which they shared the dangers and the triumphs with their king. They, therefore, ceased to consider their estates in Gaul as their homes, and learnt to regard them only as so many remote sources of revenue. But to derive from such property any revenue for the maintenance of the absent owner was no easy undertaking. It would be accomplished only by the use of servile and compulsory labour, a mode of husbandry at all times so unprofitable, that, by the operation of a general law of human society, a large proportion of all such lands and of the slaves attached

to them, were continually passing through a rapid succession of sales, forfeitures, and confiscations. They thus at length reverted to the crown, and were again included within the royal domain.

Such is the only intelligible explanation of the extent and number of the grants of land which, as appears from his yet extant charters, were made by Charlemagne in every part of the Gallic territory. In such grants the "inhabitants' houses, slaves, moveables and immoveables," on the land, are said to be always expressly included. The learned Alcuin acquired by one of these concessions no less than 20,000 slaves from the bounty of his friend and sovereign; and it is not probable that he fared so well in this respect as any one of the dukes or counts by whose aid the conquests of Charlemagne were accomplished. Vast indeed, therefore, must have been the amount of the servile as compared with the free population of Gaul.

The great Capitulary de Villis affords a still more impressive proof of the same fact. The royal farms, to the management of which that law relates, were obviously extended over a large proportion of the whole surface of the country. They have, indeed, been estimated at a fourth of the whole, and though this is probably an exaggeration, yet the error can hardly be very considerable, since it was from this source that Charlemagne defrayed the greater part of the civil and military expenses of his government during almost half a century. Now the Capitulary de Villis is framed on the assumption that this vast domain was to be cultivated by slaves, under the superintendence of managers, to be appointed for that purpose by the emperor himself, or by his officers. It follows that at that period the immense majority

of the inhabitants of Gaul were of servile condition; that is, that they were bound to render to their employers a life-long labour, enforced not by the hope of reward, but by the fear of punishment, and regulated, not according to the laws of the divine providence (ever equitable though often mysterious), but according to the arbitrary will of man.

When, therefore, we speak of the Gallic people as engaged in a patriotic struggle for national independence, we refer to the myriads of free vassals. When we speak of the Gallic people of the same æra as barbarous, we refer to the millions of slaves; or rather we refer, though not with equal emphasis, both to the one and the other; because a divine law, as universal as it is just, has decreed, that they who impose on their fellow-men the yoke of slavery shall themselves be partakers of the degradation which they inflict.

The term "barbarism" is, indeed, vague and equivocal. I employ it as designating that condition of society in which government is not and cannot be maintained by moral restraints and influences, such as love, reverence, and policy, but is and can be maintained only by physical power on the side of the rulers, and by abject terror on the side of the people. The government of the Mansus being, in this sense of the word, barbaric, under the Carlovingian princes; such also by a natural and inevitable consequence became the government of the state. The degradation of the commonwealth kept pace with the degradation of the households of which it was composed. The Aristocratic oligarchy was the legitimate offspring of the domestic oligarchy.

To establish yet more clearly this pedigree of despotism, let it be borne in mind that the Frankish con-

querors of Gaul apportioned it amongst the chief warriors of their tribes on the tenure of military service, excluding females from the line of inheritance, that there might never be any diminution in the number of the military tenants. But the Salian lawgivers took no security against the risk of such a diminution from the transfer of many such tenements to a single person. Experience at length proved the reality of this danger, and showed that, by means of it, the number of free proprietors might become insufficient to recruit the armies and to supply the waste of war. Charles Martel therefore, and his successors, invented what they thought an effectual remedy. They made numerous and extensive grants of land, on the condition that the grantee should always be liable to serve in his own person in the field, and that on his death the land should revert to the king. It was easy to make such a reservation, but the common feelings of mankind revolted against the enforcement of it. The son was, therefore, in fact permitted, though he was not in strictness entitled, to retain the benefice which his father had inhabited, cultivated, or improved.

These benefices thus became heritable; and that result teemed with consequences far more important than that of introducing a new tenure of so much property. To every such benefice were attached, as we have seen, great bodies of slaves, and over them the Beneficiary exercised, not merely the rights of an owner, but also the authority of a magistrate. His magisterial or judicial power gradually but surely extended itself from the servile to the free inhabitants of the Mansus. His jurisdiction came to embrace all persons, of whatever condition, within that locality. The proprietor of the benefice was, at the same time, its domestic judge; and when the estate

itself passed to the heir, he inherited with it the judgment seat of his ancestor.

When the minds of men had become familiarised with the anomaly of a son administering justice by mere descent from his father, it was easy to advance another step, and to include within the domestic patrimony jurisdictions which were *not* territorial. The magistracy of the count or viscount thus came to be regarded not as a public trust, or as a merely personal employment, but as a right or property transmissible to his male heirs. As early as the reign of Charles the Bald, a custom hardly distinguishable from law had taught the holder of every such office to consider it as the future inheritance of his descendants.

At the Diet of Kiersey, in the year 877, Charles gave to that custom the sanction of a positive edict. It pledged the king himself and his successors to confer the jurisdiction, or, as it was called, the "honour" of the county, on the son of any deceased count; and it bound every count to observe the same rule with regard to all persons holding any jurisdictions, territorial or personal, within their respective counties.

The impulse given by this edict to the growth of the Aristocratic Oligarchy was great and irresistible. The followers of Clovis had, indeed, brought from their native seat in Germany a strong predilection for that form of government; and that tendency, though for the moment arrested by the strong hand of Charlemagne, had never been destroyed. The Frank settled in Gaul had retained from generation to generation much of the spirit of a clansman. He had, indeed, witnessed and undergone many and great political changes. His tribe, ceasing to migrate, had become stationary. He had himself exchanged the character

of a warrior for that of a vassal. His military leader had assumed the title and the authority of a count or seigneur. His patriarchal Kyning had become a monarch. His ancient confederacy had been converted into a kingdom. But in the midst of all these vicissitudes he had cherished the hereditary traditions of the forest, and had continued to acknowledge his ancestral dependence on his immediate chieftain, and his ancestral subjection to a superior and ultimate sovereign. When, therefore, the edict of Kiersey gave a formal and legal existence to hereditary landships and jurisdictions in any part of France, it was supported rather than encountered, by the prejudices and prepossessions of the free Frankish inhabitants of the country. It was indeed the extension to them of a power which might be traced to a servile origin, and which had grown out of a servile relation; but to the free vassal of that age, as to the lower rank of free men in all ages, the depression of the slaves, and the arbitrary rule under which they lived, were subjects not of regret but of exultation. In those bondmen, toiling for the maintenance of the whole society, they recognised a caste whose dependence and subjection were far more absolute than their own, and whose sufferings and humiliations elevated them in the social scale by rendering their own freedom not merely an inestimable advantage, but a high and honourable distinction also.

To the domestic slavery which, in the age of Charlemagne, had overspread nearly the whole of Gaul, may thus be ascribed, not merely much of the origin of the Aristocratic Oligarchy, but the welcome acquiescence in that dominion by that class from whom alone any resistance to such an encroachment could with any reason have been anticipated.

When to the barbarism of the domestic government had thus succeeded the barbarism of the government of the state, one of the most remarkable results of that political change was the disappearance of the laws and institutions by which Charlemagne had endeavoured to elevate and to civilise his subjects. Before the close of the century in which he died, the whole body of his laws had fallen into utter disuse throughout the whole extent of his Gallic dominions. They who have studied the charters, laws, and chronicles of the later Carlovingian princes most diligently, are unanimous in declaring that they indicate either an absolute ignorance, or an entire forgetfulness, of the legislation of Charlemagne.

The decretals of the Popes superseded the capitularies of the new emperor of the West over the whole of that debateable land which lies between the provinces of the ecclesiastical and the secular lawgiver. Still more fatal to the authority of his code were those local customs, Gallic, Frank, Roman, and Celtic, which he had laboured in vain to eradicate. As the central power declined and fell, so also disappeared all uniformity of judicial and fiscal administration. The Gallic people, ceasing to think of themselves as members of a great state, or as the subjects of a great king, narrowed their thoughts and their affections to the canton of which they were inhabitants, to the seigneury of which they were vassals, or to the town of which they were citizens. In the exercise of his local jurisdiction, the lord of every such canton, seigneury, or town, took for his guide the maxims and the usages most familiar to his vassals and to himself; and when he called on them to aid him in warfare with his neighbours, he led them to the field, not with the observance of imperial capitularies for-

merly enacted at Aix-la-Chapelle, but by the assertion of such rights as the people most readily acknowledged, and by the assumption of such powers as his enemies most habitually feared.

Charlemagne had been accustomed to convoke his people (that is, his free people or military retainers) at the Champs de Mai, and there were exhibited some occasional imitations of the freedom of speech which had awakened the echoes of the Forum in the yet unclouded days of Roman liberty. The habit of grandiloquence on such subjects survived even to the reign of his grandson, Charles the Bald; for we read that it was proclaimed as a maxim at one of his assemblies, that "Lex consensu populi fit, constitutione regis." And yet, from that time forward, neither the initiative of the king, nor the consent of the people, was ever invoked either to enlarge the law or to amend it; for in his weakness the king was unable to enforce, and in their disunion and revolt the people were unwilling to render, obedience to the Carlovingian code, or to any additions to it.

By the ministry of subordinate kings, Charlemagne had reigned in Italy and in Aquitaine. His grandson saw both of those kingdoms crumble into their elements: the first resolving itself into a group of civic republics; the second breaking up into the sovereign duchies, or counties of Aquitaine, Gascony, Toulouse, and Auvergne.

Under Charlemagne the imperial power had been administered by dukes and margraves, his military chiefs—by counts, his civil governors—and, in theory at least, by the missi dominii, as the general superintendents of his realm. Under his grandson those dukes, margraves, and counts successfully asserted their independence, became the real sovereigns of the

territories over which they had been viceroys, and rendered that power hereditary in their families. The missi dominii, who, if you look to the paper constitution only, were the pivots of the whole imperial administration—the agents by whom the eye of the emperor traversed, and his hand reached, every part of his vast dominions—silently abdicated their obsolete offices, and disappear, one knows not how, from all the public acts and chronicles of his successors.

While Charlemagne reigned, the lands in Gaul were still distinguished from each other as allodial or as beneficiary: both indeed held on the condition of rendering military services to the emperor; but the beneficia binding the owner to many other services from which the proprietor of allodial lands was exempt. But, under his descendants, the holders of the greater estates, allodial or beneficiary, refused to perform the conditions of their tenures. Their resistance was successful. In some cases they became independent lords, acknowledging only the superiority of the king himself, which was then little more than nominal. Far more commonly, the estates thus emancipated from their duties to the crown, became subject, either willingly or by force, to some of the greater dukes, counts, or margraves. For in that age such was the fear of domestic tyrants, and of foreign enemies, that the weaker landholders gladly acquiesced in assuming feudal obligations to their more powerful neighbours in return for their promised protection; although, by the acceptance of it, allodial estates were burdened with heavy obligations, from which, till then, they had been free.

Under the rigorous rule of Charlemagne, the Church had enjoyed her estates and privileges in undisturbed security. His grandsons, and their

descendants, were totally unable to protect the monasteries from pillage, or the sacred edifices from sacrilege. The advocate, or vidame, of an ecclesiastical corporation was usually some powerful count, who, in return for his defence of their temporalities, received from them benefits, temporal as well as spiritual. They rendered him annual money payments, or acknowledged him as their feudal lord, or prayed for his prosperity while living, or promised masses for his soul when dead, and a tomb within the abbey or cathedral walls for the reception of his body.

While the sceptre was still in the hands of Charlemagne, the barbarians, who menaced the frontiers of his empire, were vigorously repelled, if not pursued, into their own retreats. But, within a few years from his death, the whole of the Gallic people, from the Rhine to the Pyrenees, were agitated by the unceasing inroads of Scandinavian or Norman pirates. Not only had the mighty conqueror departed, but his people seemed to have lost every trace of their ancient heroism. The French of the 9th and 10th centuries trembled before the northern invaders, with the same abject despair with which, in a then distant age, the natives of Peru and Mexico witnessed the incursions of their Spanish conquerors. Nor did the followers of Cortez bear a smaller proportion to the armies of Montezuma, than the Norman pirates bore to the male population of France. To such a people, the imperial visions of Charles the Great were just as ill-suited as the imperial visions of Charles V.

Charlemagne had extended his hereditary kingdom into a mighty empire. His early descendants contracted that same kingdom into what may be called an inconsiderable province. In addition to all the other dismemberments of it, was the abandonment to

the Normans of that great district which has ever since borne their name. Eventually, indeed, the cession of Normandy contributed more than any other single cause to the growth and consolidation of the kingdom of France. But at that time it indicated more clearly than any other event, the decay into which that kingdom had fallen under the Carlovingian Dynasty.

The progress of barbarism in the sense in which I use and have explained that word is, however, most distinctly illustrated by what we may gather from Mabillon's Acts of the Saints of the Benedictine Order, and from the other hagiologies of that age. From those legends we learn that large districts of France had, under the later Carlovingian princes, been either converted into extensive sheep-walks, or given up to the natural growth of the forest. The saint is described in them, sometimes as inhabiting, and sometimes as traversing, these desolate regions; and as reaching, at frequent intervals, either hermitages or oratories, where he pauses, either to worship, or to seek repose and shelter, on his way to some celebrated shrine. The monastery appears there as no longer embellished by any of the decorative arts, nor as surrounded by its once smiling gardens, nor as thronged as before by pious worshippers, but as converted into a kind of fortress, with deep ditches, massive gates, and heavy portcullises, the necessary, though often the ineffectual, ramparts against Norman or domestic invaders. The town and village also, as depicted in these religious biographies, is surrounded by a ditch and palisades, and defended by a tower or castle. The baronial residence has been transformed from the mansion of a chieftain into the fastness of a robber. The burgher, the pilgrim, the

pedlar, the Benedictine monk, and the husbandman, are represented as perishing, sometimes by want, sometimes by the sword of the foreign marauder, and sometimes by that of the neighbouring lord; while, audacious by impunity, the châtelain, followed by a long line of lances, is exhibited as falling on the helpless traveller, or as extorting by the torch, the sword, or the scourge, a ransom from some unprotected monastery. Scarcely more attractive is the glance we occasionally obtain of the domestic life of this formidable seigneur. When not engaged in the chase, he is pourtrayed as amusing himself in his fortified dwelling, either with boon companions in an intemperate debauch, or as listening to legends of freebooters of a yet older time, still more ferocious than himself, or as yielding to the blandishments of the courtezans by whom such fastnesses were thronged, or as finding, in the daily masses and absolutions of his domestic chaplain, relief from the reproaches of his unquiet conscience, for the crimes which the succeeding day was destined to renew. Even the most populous and powerful of the Gallic cities were impotent to resist the spoilers who thus ravaged the devoted land. Each considerable town placed itself under the protection of some military chieftain, who thenceforward became at once the occasional protector and the habitual oppressor of the helpless inhabitants. Every monastery, in the same manner, sought shelter beneath the arms of some warlike seigneur, who, under the title of its vidame, afforded the monks protection, on such terms as reduced his monastic clients to a state of continual poverty and alarm.

If from the aspect of the material and social world thus presented to us in the Acta Sanctorum, we turn to the chroniclers of the 9th and 10th centuries, we

shall learn that while the village, the convent, and the city were thus the prey of unrestrained violence, the minds of men were living under the despotism of superstitious terrors. I do not refer to the errors with which Rome had already debased the purity of the Christian faith, but to the belief which had been adopted and diffused by the interpreters of the Apocalypse, that the destruction of the world was to be coincident with the lapse of a thousand years from the birth of Christ. To what an extent this opinion prevailed, and of what strange results it was productive, may be seen in any of those chronicles. Preachers came forth announcing that, in the visions of the night, they had received from the Saviour himself an intimation that his second coming was immediately at hand. Mysterious voices were *heard* to mingle with the winds. Mailed combatants were *seen* to encounter in the clouds. Monstrous births intimated the dislocation of the whole system of nature. Men sought to propitiate the approaching judge, by giving to the Church the lands which were about to perish in the general conflagration. In many yet extant charters of that age, "mundi termino adpropinquante" is recited as the inducement of such donations. The alarm, though of course transitory, was yet sufficiently deep and enduring to depress the spirits of more than one generation, and to enhance the gloom of that disastrous age. So dismal, indeed, is the description which we every where encounter of the state of Gaul during the century which immediately preceded the accession of Hugues Capet, that we might imagine it to have been immersed in a darkness like that of Egypt—a darkness which might be felt—if experience had not taught us how many of man's dearest interests, how much placid enjoyment,

mental activity, domestic peace, and spiritual repose, may flourish in those countless retirements, which no historian's eye can penetrate, and which no historian's pencil can depict.

From this barbarism of domestic slavery—of aristocratic oligarchy—of departing laws and institutions—of internal rapacity—and of superstitious terror—was, however, to emerge the Feudal Confederation, beneath the shelter of which many social calamities were indeed to be fostered, but from which also was to arise, in the fulness of time, the august monarchy of the Houses of Valois and of Bourbon. This transition is amongst the most curious passages in human history.

Charlemagne had substituted the unity of royal dominion for the plurality of aristocratic chiefs. Under his feeble descendants, as we have seen, that unity of power was dissolved, and the aristocracy resumed and enlarged their domination; until at length, amidst the multitude of the armed baronial oligarchs, the power of the monarchy itself expired. Yet the people of Gaul never ceased to revere the name and the memory of their great king, the hero of so many authentic narratives, popular ballads, and romantic legends. His sovereignty had, indeed, been reduced to little more than a shadow and a form. In the main line, all his legitimate posterity were extinct. Of his descendants in the female or illegitimate lines, no one had any personal claim to respect, or even to endurance. Yet, first, Charles the Foolish, then Louis From-beyond-Sea, then another Lothaire, and then Louis the Fifth and Fainéant, were successively permitted to inscribe their worthless names on the French annals as kings of France, during the century which elapsed from the deposition of Charles the Fat to the accession of the Third or Capetian Dynasty.

During that century, however, another house was gradually rising into influence and authority, and was even invested with the royal rank and title. Robert the Strong, count of Paris, was the founder of it. Otho or Eudes, his eldest son; Robert, the brother of Otho; and Raoul, the grandson of the first Robert, were one after another invested, by the suffrages or acclamations of the people, with the title, though not with the power, of kings; for at that time, as I have already noticed, that title was not seldom given or assumed as a synonyme of that of commander-in-chief. Hugues, count of Paris, the son of the second and the grandson of the first Robert, became the guardian of Louis the Fifth and Fainéant; and, during his life, administered the government in his name. But, on the death of Louis V., no obstacle any longer opposed the gratification of the hope which had animated Hugues himself, and each of his progenitors, during more than a hundred years. By the choice of the army, and the assent of the nobles, he exchanged the titles of Count of Paris and Duke of the Duchy of France for the title of King of the French people.

Seldom has any monarch borne a more inappropriate title. At the accession of Hugues Capet the French people can hardly be said to have existed, and France itself was not a single state, but an assemblage of many distinct countries. It was peopled by many different races of men, who still regarded each other rather as aliens than as fellow countrymen. The following is a brief enumeration of them.

Occupying the territories between the Meuse and the Seine, the Austrasian Franks retained the fair complexion, the flowing hair, and the imperious spirit of their ancestors. War was still the one serious business, or cherished pastime, of the chiefs. But

they no longer waged war under the command of their Kyning, or their Emperor, against foreign nations, but on their own behalf, and for their own gain or glory, against the other counts and seigneurs their neighbours. Their lands were still cultivated by the descendants of the ancient Gallic people as serfs, *adscripti glebæ;* while, by the aid of their free vassals, they at one time defended their manors and castles, and at another assailed the towers, or made a foray over the lands, of the châtelains near whom they dwelt.

The Neustrian Franks, on the other hand, living between the Seine and the Loire, had become amalgamated with the remains of the ancient Romano-Gallic population; and with enervated minds and softened manners, had betaken themselves to the culture of the soil, to an abode in fortified cities, to the practice of civic arts, and to the erection of churches, abbeys, and other ecclesiastical edifices. To their Norman invaders they opposed neither courage nor policy, but submitted to their ferocious ravages with the tame pusilanimity which had characterised the inhabitants of the same territories when invaded, five centuries before, by Clovis and his warriors.

The Burgundians, dwelling in the province which still bears their name, but which then extended southward as far as the city of Arles, had made greater advances in civilisation. They had adopted many of the traditions of the old Roman law; they had admired and imitated some of the remains of the ancient Roman architecture; and the Sacerdotal Order was held in far higher reverence among them than in Austrasian and Neustrian France.

The Aquitanians, settled in the country between the Loire and the Pyrenees, differed widely from the

Frankish people of a more purely Germanic origin. Descended partly from the Visigoths, but far more from the Gallic aborigines, and the ancient Roman colonists of Narbonese Gaul, they were distinguished by habits more luxurious and licentious, by a spirit more democratic and independent, by greater subtlety of mind, and by a far more assiduous culture of poetry and of music, than belonged to any other of the great families among which Gaul was at that time divided. Yet, even in those southern and softer regions, the counts and seigneurs had adopted the half savage modes of life, and indulged themselves in the rapacious tyranny of the feudal lords who inhabited the plains of Alsace or of Champagne.

The Gascons, the Navarrese and the Basques, though living within the limits of France, were a wild race of mountaineers, whose language was totally distinct from that of any other of the various French populations, and who had, in fact, no interests, habits, or prejudices, in common with theirs.

The Bretons also, inhabiting the peninsula which still retains their name, formed a foreign and independent settlement in the centre of Neustrian France, retaining the language, with many of the habits and superstitions, of their Celtic ancestors; and acknowledging a consanguinity rather with the natives of Wales and Cornwall, than with the continental people in whose immediate vicinity they dwelt.

Adjacent to them the Norman pirates, converted at last into a sedentary tribe, occupied, by the concession of Charles the Foolish, a large part of what had once constituted the kingdom of Neustria, and infused not only a nobler spirit, but a higher civilisation also, into the degenerate race over which they had triumphed.

The preceding review of the various people among whom ancient Gaul was distributed at the close of the 10th century, has little or no correspondence with the *political* divisions of France in the same and in some following ages. Without affecting minute accuracy, it may be said to have been parcelled out into eighteen principal fiefs, or feudal sovereignties.

Of these, the duchy of France, combined with the county of Paris, may be considered as having been the chief. They had formed the patrimonial estates of Hugues Capet and his ancestors. They constituted his royal domain when he was elevated to the crown of France. Through that domain flowed the Seine, the Oise, and the Marne. Within it lay the city of Paris. It was, however, under the dominion, rather than in the possession, of Hugues and his descendants; for it was divided into a multitude of petty seigneuries, the lords of which acknowledged him as at once their king and their feudal superior.

In the east, the duchy or province of Burgundy was held by the descendants of Hugues the Great, who himself had received the investiture of it from Louis-d'Outre-Mer. In the north, the race of Rollo the Dane ruled in Normandy. Allain, a native Breton, celebrated for the enormous length of his beard, and for his successful revolt against the Normans, governed Bretagne. The county of Anjou belonged to Foulques the Black, renowned for his pillage, his murders, and his penitence. Flanders was the fief of the descendants of Baldwin of the Iron Arm, the son-in law of Charles the Bald. It surrounded a large part of the counties of Hainault and Vermandois; of which, at the close of the 10th century, Reynier the Long-necked was the feudal lord. Robert of Vermandois, who, not long before, had ex-

pelled the Bishop of Troyès from his episcopal church and feudal superiority in that city, was, in right of that conquest, acknowledged as Count of Champagne; and Thibault, the son-in-law of Robert the Strong, had transmitted to his descendants the county of Blois. In the south, the duchy of Aquitaine and the county of Poictiers were united to the county of Auvergne, in the person of William III., known by the strange title of Tête d'Etoupe. Gascony was divided into the duchy of that name and the county of Fesenzac. Toulouse, with the marquisate of Septimania, already belonged to the House of Raymond; afterwards so renowned for their triumphs in the Crusades, and for their disasters in the war of the Albigenses. The kingdom of Arles, embracing Provence and Burgundy, east of the Jura (that is, Switzerland and Savoy), was, at that period, a fief rather of the German than of the French Suzerain.

So indeterminate and fluctuating, however, were the divisions of the ancient Gallic territory at the time of which I speak (that is, at the accession of Hugues Capet), that the preceding enumeration of them is to be considered only as an approach to accuracy. It is, however, sufficiently accurate to justify the following general conclusions.

First. It shows that the central power of the monarchy was now dissipated amongst the multitude of the greater feudatories. By pursuing the analysis further, we should ascertain the minuteness with which each of those fiefs was itself apportioned amongst a multitude of inferior seigneurs; all of whom again subdivided *their* seigneuries amongst a yet lower and far more numerous race of vassals, and so on indefinitely. Yet, in the midst of all this attrition of the state, one principle pervaded every

member of it. Each tenant owed fealty and homage to his immediate superior, from the lowest link of the chain to that last and highest link which connected the Grand Feudatory with the King himself, as Suzerain of the whole of this descending and ascending series of vassals and of lords.

Secondly. This enumeration of the chief feudatories of France under the first Capetians, indicates that great characteristic of the age, that is, its Barbarism, or the subjugation of mankind to arbitrary will sustained by material power. Allain with the long Beard, Foulkes the Audacious and the Black, Baldwin of the Iron Arm, Reynier with the long Neck, and Robert the Strong, had those titles ascribed to them in the spirit of a barbarous courtesy, which attributed to the rulers of the earth those rude endowments on which they prided themselves, and for which alone their subjects valued them. And this significant, though vague, indication of the real basis and character of these feudal governments is curiously confirmed and illustrated by the lives and legends of the Saints which the Benedictines and the Bollandists have so laboriously compiled. We smile, and not unreasonably, at tales which so often rival in extravagance, without ever rivalling in fancy, the marvels of the Thousand and One Nights, or the revels of Oberon and Titania. But there is a deep significance in these seemingly unmeaning fables. With every appearance of good faith, though but with little semblance of good sense, they describe visions, and ecstasies, and heavenly visitants of earth, and grotesque miracles, and the discovery of relics and their healing virtue, and, above all, the intervention in sublunary affairs of her who "was blessed above women," and of the Saints who are supposed to en-

circle her celestial throne. But these fictions, however puerile, are not without a meaning. They attest that their authors were living at a period when the ideal of human existence, the very poetry of life, consisted in meek suffering, in patient endurance, in pouring oil into the bleeding wounds of a groaning world, and in escaping from its bondage and oppression, its lust and cruelty, into communion with more than female tenderness, and with more than angelic purity.

The third inference from the catalogue of the chief feudatories of France is, that the duchy of that name possessed peculiar advantages in the long struggle in which it was about to engage for a real, as well as a nominal, supremacy over the realm at large. Lying in the centre of so many fiefs, more warlike, populous, and extensive than itself, it detached and separated them from each other. It was thus prepared to make hostile aggressions on each of them in turn, and to find in all of them, successively, so many shields to avert from itself the inroads of foreign invaders. As duke of the duchy of France and count of Paris, Hugues Capet assumed the title of king, and transmitted it to his descendants with a prestige and a propriety which could not have been emulated by any of the lords of any of the surrounding states. For, under the two first dynasties, Paris had been the capital of the whole Gallic kingdom. The duchy in which it lay had, therefore, been regarded as metropolitan. There Hugues and his ancestors had long, and not ingloriously, struggled in the national cause, against both the Norman and the German standards. And there he had received, by the acclamations of his army, a crown in which the other feudatories saw, or thought they saw, the keystone

of the arch of their own baronial power. For their dominion over their vassals rested on a theory of tenures and dependencies which supposed the existence of some ultimate suzerain from whom their own fiefs were holden, and in whom the whole feudal hierarchy had their common head, and stay, and centre. And, therefore, the Dukes of Normandy and Aquitaine, the Counts of Flanders and of Toulouse, potent as they were, and exempt, as they conceived themselves to be, from any authority or control of Hugues Capet within their own duchies and counties, were prompt to render to him the formal homage due to the author, or rather to the imaginary author, of their own local dominion. They were not aware of the mighty force of names and titles, of fictions and of forms; and especially of their force when shadowing out any of the real substrata of the peace, and order, and social prosperity of mankind. They knelt down with closed hands, and recited solemn vows before a titular sovereign, and did not perceive, or foresee, that they were thus gradually elevating that empty pageant of royalty into an effective sovereign; destined at no remote period to attain prerogatives by which their own states would be subjugated, and their own posterity reduced to insignificance and want.

And now, reverting to the question with which I commenced this lecture, it remains for me to gather, from the preceding statements, the answer to the inquiry—What were the causes of the transfer of the dominion of France from the Second Dynasty to the Third, from the lineage of Pepin to that of Hugues Capet? My answer is the same as that which I returned to the question—What were the causes of the transfer of the Franco-Gallic empire from the

First Dynasty to the Second? In either case the cause was "Barbarism," in the sense in which I have already explained that word. In each case society was in a condition in which government was not and could not have been maintained by moral restraints and influences, but was and could have been maintained only by physical force on the side of the rulers, and by abject terror on the side of the people. But in these two cases there was a material distinction. Though barbarism was the active cause in both, it worked in each in a different way and in an opposite direction. The barbarism of Clovis and his descendants rendered them incapable of establishing a moral dominion, and therefore incapable of establishing an enduring dominion. The barbarism of the Franco-Gallic people rendered them incapable of enduring the moral dominion of Charlemagne and his successors, and therefore brought that dominion to an abrupt and untimely end. Barbarism was the aggressive power in the first case, and the resisting power in the second case. In either case it was the successful power. Such at least is the best conclusion which I have been able to draw from such study as it has been in my power to bestow on these much controverted passages of the history of France.

LECTURE V.

ON THE ANTI-FEUDAL INFLUENCE OF THE MUNICIPALITIES OF FRANCE.

BEARING in mind M. Guizot's remark, that the progress and true character of a nation can never be studied successfully except by ascending to the origin of its laws, habits, and institutions, I have hitherto lingered at the earlier stages of the history of France. But now when I have reached the period at which the Feudal Confederation had become organised into a settled form of political government, I am unable any longer to adhere to that maxim, incontrovertible though it be. For if I should still continue to be guided by it, and should undertake any complete survey of that System, the whole of the time which the laws of the university have placed at my disposal during our academical year, would be insufficient for the purpose. But M. Guizot himself, and our fellow-countrymen, Dr. Robertson and Mr. Hallam, have happily provided me with an effectual escape from

this difficulty. In their researches into the origin, the progress, and the tendencies of Feudalism in France, they have left unexplained no question connected with it, whether considered as a body of laws, as a social polity, or as a code of moral sentiments, but have laid bare all the more recondite, as well as all the more obvious springs of human action by which, under each of those aspects, it was either nurtured, or mitigated, or developed. Futile as would be the attempt to emulate those illustrious authors, it would be almost equally superfluous to follow and to repeat them. Assuming, then, that their writings on this subject will receive from you the attention to which they have so pre-eminent a title, I pass on, in pursuance of the design which I have already intimated, to inquire in what manner the French municipalities contributed to conduct France from the state of a Feudal Confederation to that of an absolute Monarchy ?

And here again I must begin by referring you to the guidance of M. Guizot, in the first of whose essays you will find an incomparable review of the relations between imperial Rome and her civic dependencies in Gaul; and of the effect of those relations in hastening the ruin of the province, and the dismemberment of the empire. Wonderful, indeed, was the vital power of those municipal communities. Five centuries had passed away after Genseric and Odoacer had swept the capital of the Western world with the besom of destruction. The Goths, the Burgundians, the Franks, the Saracens, and the Normans, had each in turn conquered and pillaged Gaul. Amidst the anarchy of the later Carlovingian kingdom, brute force had assumed the dominion of France; and Feudalism had then arisen to give to

oppression all the systematic energy of law. But while one billow after another had thus obliterated the other remains of Roman civilisation in the Romano-Gallic province, the 11th. century still found surviving there the *municipia* which Rome had founded, cherishing the traditions, and maintaining not a few of the customs transmitted to them from their predecessors through the long lapse of more than a thousand years.

Those customs had, indeed, undergone many essential alterations, some affecting their outward forms, and others relating to their inward principle; and, amongst those changes, the latest and the most remarkable was, the progressive substitution of a democratic spirit for that aristocratic character by which the civic governments of Gaul had been distinguished under the dynasty of the Cæsars.

The *curia* of a Romano-Gallic city was what, in our modern phraseology, would be called a self-electing body. All vacancies, as they occurred, were filled up by nominations made by the Curiales themselves, and it was their habit to nominate to that office only the members of the chief families of the place. Every such city was therefore, in effect, a commonwealth, governed by an oligarchy, at once elective and hereditary. But as each of them in turn became the seat of an episcopal diocese, the bishop of each added to his spiritual power a great and direct secular authority, and a yet greater, though indirect, secular influence, within its precincts. When, progressively, the feudal hierarchy extended their dominion over these cities, the bishop himself sometimes became the seigneur of the metropolis of his own diocese. In other cases he made a subinfeudation of it to an inferior seigneur, to whom he

thenceforward bore the relation of immediate suzerain. Sometimes the supreme suzerain (that is, the king) was represented in such a civic fief by the count or viscount as his deputy. But more commonly some great neighbouring lord claimed the protectorate of the city, and with it a feudal superiority over the inhabitants. But whatever might be the variations of outward form under which the seigniorial rule extended itself over the ancient Roman municipalities, the remembrance of their ancestral franchises still animated the citizens to resent the degradation to which such encroachments subjected them, and to regret and exaggerate the evils consequent on the loss of their former independence.

The popular mind, when so agitated, habitually addressed itself, for support and encouragement, to the bishop; not merely because in that age, as in all ages, the Church was the firmest bulwark of the rights of the feebler many against the usurpations of the stronger few, but because, in those times and places, the bishop had strong and peculiar motives for the advocacy of their cause. The local aristocracy of the city were, for the most part, the vassals of the count, or of the seigneur; and were, therefore, his partizans in assailing the political and proprietory rights of the diocesan himself. The local commonalty were, on the other hand, the usual supporters of the bishop in the defence of his secular privileges; and were, therefore, in turn supported by him in the resumption of their own. He thus became the habitual antagonist of the civic aristocracy, and the habitual protector of the great body of the citizens against them. And thus it happened that, before the end of the 11th century, the choice of the municipal officers had been silently, but effec-

tually, transferred, under the shelter of the crozier, from the privileged minority to the great bulk of the townsmen, whose zeal for the conservation of their newly acquired elective franchise induced them to call it from year to year into active exercise.

At about the same period, the contest between Pope Gregory VII. and the Emperor Henry IV., and their respective successors, enabled the chief cities of Tuscany and Lombardy to erect themselves into free republics, which were essentially independent of both the contending powers, temporal and ecclesiastical, though they acknowledged a remote and almost nominal subordination to the emperor as their supreme suzerain. In the exercise of that independence, they elected their own civic rulers, and bestowed on them the once venerated title of Consuls. Now, so intimate were the commercial relations which united these new Italian republics to the great French cities in their vicinity, that the spirit of revolt and of imitation spread rapidly from the southward to the northward of the Alps; from Genoa, Milan, Pisa, and Florence, to Marseilles, Arles, Montauban, and Toulouse. And thus municipal freedom was yet more firmly established, and Consuls were elected, in the south of France also; and thus a complete though pacific revolution was accomplished, which left to the Capetian monarchs little more than a nominal sovereignty within the walls of the principal towns of that part of their dominions.

Of the actual progress of this change little account has been transmitted to us by the chroniclers of those times, though, in the reign of Louis VI., it seems to have been fully established throughout nearly one third of the territories comprised within what we now call the French Republic. To the north of the

Loire the towns were at that time nothing more than so many urban seigneuries, the lords of which were dwelling in fastnesses either within the walls or in their immediate vicinity. Many of those towns were, indeed, also episcopal sees, but as the inhabitants possessed no municipal constitutions or franchises, so neither did they contract with their bishops any such alliances as those which the bishops in the south had formed with the inhabitants of their respective metropolitan cities. That these northern and unprivileged towns would regard with discontent the contrast between their own condition and that of the ancient municipia, might well have been anticipated, even if that unfavourable distinction had affected merely the sentiment of honour or of self-importance. But it really extended to the most substantial and weighty concerns of life. The seigneur claimed the right to subject his ignoble vassals, civic as well as rural, to tolls and other vexatious imposts. Without his licence, a widow might not contract a second nuptials, nor a father bestow his daughter in marriage. Immoveable property could not be disposed of by testamentary donation, nor even by an alienation *inter vivos*, except with his concurrence. He might seize to his own use the goods of his deceased tenant, unless, within a prescribed and brief period, the next of kin made good their claim to the inheritance. All freedom of trade within the town was dependent on his pleasure; and by him in effect, if not in form, all the local magistracy were appointed. Vast and arbitrary as were these powers, even according to the mere letter of the law, they were still more oppressive in practice; and when Louis le Gros ascended the French throne, the people of these seigniorial cities had begun to assemble in the markets and other places

of public resort—to debate their grievances—to compare their own physical strength with that of their oppressors—to agitate for change—and to devise the methods by which it might be most effectually accomplished.

The French historians, ever anxious, and ever subtle to detect the more secret springs by which either the mere surface or the depths of human affairs are agitated, have adopted two antagonist theories for explaining the events which followed. Velly and the monarchical writers maintain that Louis le Gros perceived in the popular excitement which was spreading from one town or city to another, a force which might be employed to undermine the feudal, and to enlarge the royal, authority. They suppose him to have entered into a tacit alliance with the discontented citizens throughout the realm, on the basis that he should bestow on them acts of incorporation or enfranchisement, and that they should acknowledge him, not merely as their suzerain, but as their seigneur. From this union of the commonalty with royalty, the far-sighted king, according to this theory, anticipated the gradual decline, and the ultimate disappearance, of that feudal dominion, in the presence of which his own sovereignty existed rather as a pageant and a fiction, than as a reality and a truth.

Nor does the title of Louis VI. to the glory of having thus enfranchised the civic population of France, rest on the suffrages of literary historians alone. His successor, Louis XVIII., in the constitutional charter which he promulgated on his restoration in the year 1814, wrote as follows:—"We have considered that although, in France, all authority resided in the person of the king, yet our predecessors have not hesitated to modify the exercise of it ac-

cording to the differences of successive times; and that thus it happened that the communes owed their enfranchisement to Louis le Gros; and to Saint Louis and Philippe le Bel, the confirmation and extension of their privileges." To this hypothesis, and to the royal authority thus pledged to the support of it, the French writers since the Restoration, and especially MM. Sismondi and Thierry, have opposed another theory. They maintain that the share actually taken by Louis le Gros in the enfranchisement of the communes was inconsiderable in its effect, and was dictated by none but the most obvious motives of immediate pecuniary interest. But they ascribe to the civic population of France, in the 11th, 12th, and 13th centuries, a revolutionary spirit, and a series of revolutionary achievements, differing from those of the 18th and 19th centuries in nothing except in the narrowness of the theatre on which they were exhibited. In this correspondence in the spirit and designs of the popular movements in ages so distant from each other, those writers find proof of a certain indestructible identity of the national character from the earliest to the most recent times; a tradition which, while it imparts a kind of retrospective dignity to the civic commotions of their remote ancestors, suggests also an apology for those convulsive movements of France, which, during the last threescore years, have refused to Europe more than a few short and precarious intervals of repose.

Each of these accounts of the origin of the civil liberties of the French people may, with little hazard, be regarded as nothing more than one of the attempts to generalise with undue rapidity, to which their philosophical historians are so much addicted. That Louis le Gros anticipated the remote results of his

alliance with the communes against the feudal lords of his kingdom, and that his actual policy was dictated by that anticipation, is an hypothesis contradicted, not only by the common experience of mankind, and by all that we know of his personal character, but by the incontestable facts of the case; for we have neither any record, nor any tradition, of his having enfranchised more than eight cities in all. In every one of those cases he interfered, not as an ally of the citizens against their oppressors, but as an arbiter between the people and two or more of their seigneurs, who were themselves at variance with each other about the recognition of the popular claims. Each of the eight cities in favour of which Louis thus exercised his authority, was within the confines of the Somme, the Oise, and the Seine; that is, within the royal domain or old hereditary sovereignty of Hugues Capet and his ancestors. The seigneurs of those cities were, moreover, all of them petty chiefs, holding immediately of Louis himself. To have interposed in the same manner against his grand feudatories, such as the Dukes or Counts of Normandy, of Flanders, of Vermandois, of Anjou, or of Toulouse, would have appeared to him, and to them, as a wild and audacious extravagance. His views, whether more or less profound, were confined to the duchy of France, and did not extend to the kingdom of France. And, finally, a reference to such of his grants as are still extant will show how large an influence was exercised over him by a motive of all others the least recondite and capacious; that is, by his want of ready money, a round sum of which he obtained in return for every enfranchisement to which he set his seal.

On the other hand, the theory that the communes of France were wrested from the rulers of the land,

royal or feudal, by a series of popular revolts, shadowing forth in miniature and dim perspective, those gigantic struggles which, since the year 1789, have overthrown so many successive French dynasties, is an opinion which could never have been seriously propounded by men illustrious for ability and for learning, if they had not also been men pledged to discover some theory for every fact, and some facts for every theory. For, first, there is no reason to conclude, or even to conjecture, that popular violence either induced or preceded the acts by which Louis le Gros established the communes of Noyon, or of St. Quentin; although these were the earliest of his concessions of that nature, and became the precedents for those which followed. And, secondly, as the enfranchisement of the communes was in progress during the reigns of the twelve immediate successors of the sixth Louis, we cannot acquiesce in the revolutionary explanation of that phenomenon, unless we suppose that the sacred right of insurrection was a right had in honor and exercised in France during more than three successive centuries. And, thirdly, amidst the multitude of royal acts confirming communes which have come down to us (there are, if my computation be accurate, no less than seventy-five in the eleventh volume of "Les Ordonnances des Rois de France"), the proportion is enormously great of those which no evidence, intrinsic or extrinsic, connects with any popular insurrection, revolt, or disturbance whatever.

In this case, as in many others, the admiration with which we at first contemplate an apophthegm or an epigram which grasps, or seems to grasp, within its narrow limits, the condensed history of a great people, gives way to disappointment when such an analytical expression is employed to resolve the obsti-

nate problems which chronicles and chronology will throw in our way, as we descend from the elevated regions of historical philosophy to the humbler level of historical narrative. To understand what the communes really were, what was the nature, what the design, what the method, and what the results of their enfranchisement, we must inevitably pursue an obscure and a tedious path.

To the advocates of the insurrectionary theory it must, however, be conceded, that the charters by which the kings or the grand feudatories of France effected this great social innovation do emphatically attest that, in many cases, it originated in the popular resentment for intolerable wrongs. Some familiarity with the origin and growth of royal charters, in which the king in person is made to interpret the motives of his own administrative acts, may, perhaps, have indisposed me to attach to such prefatory language the weight which others have ascribed to it. Yet, even on the supposition that, from the days of Louis VI. to those of Charles VI., there was in France a succession of such legal fabricators of grants of the crown as at the present day are in attendance on the ministers of an English sovereign, it must be concluded that those erudite persons had *some* motive for ringing the changes on the popular complaints with which their productions are so frequently introduced. Sometimes the confirmatory grant is made "pro nimiâ oppressione pauperum,"—or, "ob enormitates clericorum,"—or, "de pace conservandâ,"—or, "ut cives sua propria jura melius defendere possint, et magis integre custodire;"—or, "propter injurias et molestias, a potentibus terræ, burgensibus frequenter illatas,"—or (in one

case), "quod alter alteri auxiliabitur et quod nullatenus patientur, quod aliquis alicui aliquid auferat."

Whimsical as is this phraseology, it was probably the vehicle for much sound sense and substantial justice. That, however, was not the opinion of such of the seigneurs of the age of Louis le Gros as were learned enough to commit their thoughts to writing. There was living, at that time, Guibert, abbot of Nogent, whose autobiography still exists to attest his abhorrence of the civic innovations of which he was the reluctant, but inquisitive, eye-witness. "The object (as he indignantly remarks) of a commune (novum et funestum nomen) is to emancipate all *censitaires* from servitude, in return for a fixed annual payment; to prevent any punishment for a violation of the law except a penalty of which the amount has been determined and prescribed beforehand; and to deliver the serfs from all the other imposts to which they are lawfully subject. Nor was Guibert singular in his resentment at the regard thus shown for the servile or plebeian orders of society. "Venerabilis et sapiens Archiepiscopus Rhemensis," he informs us in another place, "inter missas sermonem habuit de execrabilibus communiis illis."

We must not however, hastily or very sternly, condemn this aristocratic jealousy. For although (as I have said) many of the communes were enfranchised without any insurrectionary movement, yet Guibert has delineated some of the reformers of his day in attitudes which might seem to reduce the reforming Frenchmen of our own times to the character of humble parodists. His narratives would supply excellent materials for many an historical romance. The following specimen of them has been repeatedly made to answer the ends of historical inquiry.

In the reign of Louis le Gros, Laon was a place of great dignity and importance; and, among those cities of France which were not holden of any of the greater feudatories of the crown, Paris alone exceeded it in population and in wealth. In the year 1108, Naudrie a Norman, who was engaged in the service of our Henry I., became the bishop of the see; and, in that capacity, the seigneur of the episcopal fief and city of Laon. Regardless of the sanctity of his office Naudrie was a huntsman, a warrior, and a freebooter. Regardless of the feelings of society, he gave in to the military fashion of his age, by entertaining in his suite a negro, whose turban and cymbals designated him, in all ceremonies, as part of the spoils brought by the first Crusaders to Europe. At other times the Saracen (for so he was called) was employed in executing his master's sentences of death or of torture on the objects of his judicial or of his personal displeasure.

It was one of the habits of this martial prelate to make occasional visits to England, that he might secure to himself a share in the plunder of the conquered islanders; and, during one of those journeys, the citizens of Laon, emulous of the success of their neighbours at Noyon and St. Quentin, met together, agreed upon a scheme of municipal government, pledged themselves to each other by oaths to the observance of it, and induced the nobles and clergy of the city to swear that they also would acknowledge and respect it. On his return from his English raid, Naudrie found himself, to his equal surprise and indignation, surrounded, not as formerly, by mere serfs and censitaires, his unresisting subjects, but by a body of citizens, asserting their right to a free and independent exercise of the most ample municipal franchises. The prompt offer of a large

sum of money, however, soothed his resentment, and persuaded him to renounce, in favour of the new commune, all his own seigniorial rights, and to bind himself by oath to respect and maintain their privileges. A similar offering to Louis le Gros procured from him letters patent confirmatory of the civil constitution, and peace and freedom seemed for a while to be firmly established at Laon.

Ere long, however, the want of money and the loss of power awakened the bishop and the nobles to a painful sense of the sacrifice they had made, and to a keen desire to regain their former authority. The king having, on their invitation, come to Laon to celebrate the festival of Easter, the bishop offered him 700 livres as the price of revoking his recent charter. The citizens offered him 400 as the price of confirming it. The higher bidding being accepted, the letters patent were solemnly recalled. A storm of retributive vengeance followed. The cry of "Commune!" "Commune!" became the constant watchword of conspiracies and civic tumults. The bishop's person was repeatedly assailed, his mansion besieged, his church converted into a barrack and an arsenal; and the nobles who came to his rescue were massacred without distinction, or pity, or remorse. As his last chance of escape from his incensed enemies, the bishop took refuge in his own cellar, and concealed himself there in an empty wine cask. One Thiégaud, a man to whom, for his brutal appearance and manners, the bishop had given the sobriquet of Isengrin, or master wolf, raised the lid of the cask and drew him out of it by the hair of his head, exclaiming, "so this, master wolf, is your den." The unhappy man was dragged along the streets, overwhelmed at every step with filth and blows and the vilest insults; till one

of his persecutors, more merciful than the rest, clove his skull with an axe, when the implacable Thiégaud mutilated and stripped his body. It remained a whole day naked and exposed, a mark at which every passer-by (says Guibert) directed mud and stones, accompanied by insults, by ridicule, and by execrations.

The fury of the people was then directed against the surviving nobles, and against the wives and daughters of all whom they regarded as their enemies. Murder, conflagration, and crime in every form reigned without controul through the devoted city. Houses, churches, and monasteries disappeared in the flames, till, wearied with their own excesses, and dreading their well-merited punishments, a large body of the townsmen abandoned the place, and sought beyond its precincts for alliances to defend them against the expected vengeance of the king. They found such a defender in Thomas de Marle, the lord of Crecy. But while the negotiations with him were in progress, the inhabitants of the neighbouring towns and villages were conducted by the nobles into Laon, and under their orders commenced a new series of massacres and plunder on the persons and the property of the townsmen. At the same time the king, marching against Thomas de Marle, besieged and took the town or castle of Crecy, and having put to death all the fugitive insurgents who were found there, left their bodies a prey to the wolves and vultures. A warfare of sixteen years' continuance between the contending factions followed. It reduced Laon to utter ruin, but not to peace; and, after a succession of perjuries, murders, cruelties, and abominations, to which the French Revolution alone can supply a parallel, the strife at last ended just where it had commenced; that is, by a formal ac-

knowledgment and confirmation, by Louis le Gros, of the commune of this indomitable city.

Now, although I cannot subscribe to the inference so often drawn from this narrative, that insurrection and bloodshed have in France a prescriptive claim to be regarded as the legitimate basis of civil liberty, there are some other conclusions, at once more important and more indisputable, which it seems to me to illustrate, if not to establish. To explain those conclusions, it is necessary to define some words which, in the discussion of this subject, are not unfrequently used in an improper, or in an equivocal, sense.

In France, the word "Bourg" originally meant any aggregation of houses, from the greatest city to the smallest hamlet. But when, in consequence of the anarchy of the 10th and 11th centuries, every town, and almost every village, was fortified, the word shifted its meaning, and came to signify an assemblage of houses surrounded with walls. Secondly, the word "Bourgeois" also was at first used as synonymous with the inhabitant of a bourg. Afterwards, when corporate franchises were bestowed on particular bourgs, the word acquired a sense corresponding with that of the English designation, Burgess; that is, a person entitled to the privileges of a municipal corporation. Finally, the word "Bourgeoisie," in its primitive sense, was the description of the burgesses when spoken of collectively. But, in its later use, the word would be best rendered into English by our term citizenship; that is, the privilege or franchise of being a burgess. It is in these secondary or acquired senses of the words, bourg, bourgeois, and bourgeoisie, that I shall employ them in the sequel.

The history of the birth of the commune of Laon, darkened though it be by folly and by crime, yet shows that, even then, the rude feudal lords, and their still ruder vassals, respected those maxims of law on this subject which were so solemnly recognised during the three immediately succeeding centuries. For, first, they acted on the rule that the legal effect of establishing a commune was not to extinguish the seigneurie, but to transfer it to the citizens themselves. The bourgeois did not cease to be feudal tenants. They merely ceased to be tenants to their former lord, becoming tenants to a new lord, that is, to the corporate body of which they were themselves members. The lordship was held by the bourgeois in trust for the bourgeois. Succeeding to the legislative powers of the seigneur the commune made bye-laws; succeeding to his judicial powers they elected magistrates for the effective exercise of them. The great communal franchise of self-government, legislative and judicial, was, in fact, the acquisition and the use by the local democracy for democratic purposes, of the powers formerly enjoyed and abused by the local despotism for despotic purposes.

Secondly. The people of Laon acted on the rule that the only legal basis of a commune was a *conjuratio*, that is, a compact of the inhabitants confirmed by their oaths to each other. The principle of that rule was, that the renunciation of the feudal dependence of the citizens on their lord, and their acceptance of the fief with all its attendant duties, were acts which supposed the free exercise of their own free choice. For no man, or body of men, could be lawfully constrained either to renounce the benefits of vassalage, or to assume the obligations of lordship. These were chains which were at least supposed to be worn

voluntarily. Feudality always rendered this kind of formal tribute to the freedom which it substantially violated.

Thirdly. The civic revolution of Laon illustrates the rule that no such conjuratio was valid merely by the act of the citizens themselves who were to be enfranchised, but that it was also necessary that the clergy and the nobles should signify their acquiescence in the change, and should guarantee the maintenance of it; and that it should be further sanctioned by the seigneur whose feudal superiority was to be renounced. The meaning of this rule was, simply, that no one whose rights would be diminished or affected by the contemplated innovation, should sustain any such loss or detriment until it had been clearly established that his consent had been first asked and given. "Non licet Burgensibus communiam facere sine senioris consensu," is a maxim to be found in some of the confirmatory acts of Louis VII. Thus Bishop Naudrie was not deposed from the seigneurie of Laon. He expressly abdicated it.

Fourthly. The confirmation of the king as suzerain was considered essential to the creation of the commune of Laon, as it was, in later times, to the lawful establishment of any other commune; for the rights of the *supreme* lord might not be abridged without his own express permission. Such royal confirmations were often repeated in consideration of money payments, and in many cases at intervals so short and so regular, that the Crown obtained from this source a revenue effectually replacing that which, if the seigneurie had not been transferred to the commune, would have been payable on the deaths or alienations of the tenants. It should be observed, however, that before the confirmation of the king had been actually pronounced, a commune might exist by sufferance.

Yet, when resting on sufferance merely, it might also be suppressed by the suzerain at his pleasure; for until he had converted the usurped power into a legal right it was considered in point of law as a mere revolt.

Lastly. It seems fit to notice, that in early times the sovereign did not interfere for the creation or confirmation of communes, except within the limits of the royal domain. The power of confirming communes created by a conjuratio was exercised by each of the greater Feudatories within his own duchy or county, and not by the king. Yet, with the gradual increase of the power of the Crown, this distinction fell into disuse, so that, as early as the year 1183, the Duke of so great a fief as that of Burgundy obtained from Philippe Auguste the confirmation of a commune, granted by himself to the citizens of Dijon.

Quitting now the particular case of Laon, I observe that, at the time of the conjuratio at that place, there were existing, in many parts of France, bourgs of yet another species. These were in the enjoyment of civic franchises more or less ample, not by a traditionary right as in the South, nor by a revolt as in the communal towns, but by charters granted to them by their royal, or noble, or episcopal seigneurs. Such charters ascertained what were the customs by which the citizens were to be governed, and by which the rights and duties of the grantor as their lord, and of themselves as his vassals, were to be determined. To insure the due observance of those customary laws, the lord delegated his own seigniorial authority to an officer called a Prévot. From that circumstance such bourgs acquired the name of Prévotal cities. To this class belonged Paris, and many other places of great importance.

The liberties of the Prévotal cities were generally less extensive and absolute than those of the ancient municipia, or than those of the communes. They rested, however, on a firmer basis, and were defended by more powerful guarantees. Holding those liberties not by usurpation but by the free will of the seigneur, or at least by his deliberate and unconstrained choice, the citizens had nothing to fear from his vindictive resentment, and not much from his avarice. The main principle of their urban polity was, that they were not the inheritors, nor the conquerors, but the grantees of their privileges. The fundamental maxim of their urban policy was, therefore, to multiply and to strengthen the bands which connected them with the author of their corporate existence.

But the king as seigneur, or as supreme suzerain, was in all cases either the direct and immediate, or the indirect and more remote, author of it. The Prévotal cities were thus drawn into an early and intimate alliance with him, and were always found amongst the most active supporters of the authority of the Crown.

Three important consequences followed. First, as the internal constitution of the Prévotal cities was the most secure and beneficial of all the forms of French civic government, so it became the normal type, towards which every other form was drawn into a welcome and continually increasing resemblance. Secondly, as the Prévotal cities were attached to the royal power, and courted its alliance and support, so the same royalist tendency was gradually developed in the other municipalities, traditional or communal, which were emulous of their advantages. And, thirdly, by the plastic influence of that royal power on the institutions of all those bourgs (its willing subjects),

the various elements of the municipal system of France were at length brought, if not into an absolute uniformity, at least into a general similitude and correspondence with each other.

I will not pause to indicate the steps of this gradual and perhaps unheeded revolution, which, however, may be traced in the "Ordonnances des Rois de France," from the age of Philippe Auguste, when it commenced, till the end of the 15th century, when it was completed. For my present purpose it is enough to say, that, with the disappearance of the distinctions between the three different classes of bourgs, there also disappeared most of the ancient differences between the rights enjoyed by the bourgeois of each. Throughout the whole of France the bourgeoisie became, if not exactly identical, yet so much and so nearly so as to enable us to disregard those minor variations, which belong rather to the history of particular cities than of the whole kingdom. I proceed, then, to inquire, in whom the bourgoisie was vested; —what were the privileges it conferred;—what were the obligations which it imposed;—how it impaired the strength of the Feudal Confederation;—and by what methods the power of the bourgs themselves was at length subverted?

First, then, no man could be a bourgeois unless he were free; that is, no serf could acquire that franchise so long as he retained his servile character. For this rule the lawyers assigned a technical reason. No serf, they observed, could hold any seignorial rights; and therefore no such person could be one of those citizens in whom, collectively, the seigneurie of the bourg was vested. The broader and more solid foundation of the doctrine was, that these municipal communities favoured and promoted personal liberty.

In all of them every serf, after a short residence within the walls, was enabled, by a prompt and easy process, to acquire his enfranchisement, and when so enfranchised he was entitled to become a bourgeois. His temporary exclusion from that advantage had, therefore, the effect of conducting him to the early and complete enjoyment of it. Thus that impatience of the presence of slavery, for which the soil of England has been extolled by judges, by poets, and by orators, and that impatience of inequality in the eye of the law for which the English constitution has been celebrated by philosophers and statesmen, flourished more than six centuries ago in primæval vigour in the emancipated communes of Feudal France.

Secondly. Originally, at least, every bourgeois was a roturier; that is, he was neither a noble nor a clergyman. The members of those orders were excluded from the bourgeoisie, because they had rights to assert in the bourg, and duties to perform there, which were regarded as incompatible with the rights and the duties of bourgeois. Many proofs might, however, be adduced, to show that this rule was soon and often relaxed—that nobles frequently acquired and exercised the bourgeoisie—and that the clerical office was no effectual impediment in any case in which a clerk in holy orders happened to possess, within a bourg, property holden, not in right of his church, but in his own personal capacity.

Thirdly. Criminals also, and the king's enemies, and the enemies of the bourg, were disqualified from becoming bourgeois. The same rule originally applied to persons not born in wedlock, and to leprous persons, and to their descendants. But the disappearance of the leprosy from Europe and the legitimation of

bastards abolished, in process of time, each of these latter grounds of incompetency.

Fourthly. The bourgeoisie might be acquired by birth, by marriage, or by prescription. Thus the children, or the wife, or the husband of a bourgeois were themselves bourgeois. A continued residence in a bourg for a year and a day conferred the same advantage. The bourgeoisie in any city might also be acquired by a special grant from the king in favour of any person who, in virtue of it, became what was called Bourgeois du Roi or du Royaume. This concession was usually purchased with money. It bound the grantee to a residence in the bourg during a few days, at one of the greater festivals of the Church, unless he should obtain a dispensation. It required him to pay a rate or tax from which the other bourgeois of the town were exempt, and either to buy or to build within its precincts a house of a certain presribed value, which was to serve as a security for the payment of that impost.

When this personal right of bourgeoisie had been once firmly established, it became the subject of a most lucrative royal patronage. By means of it a vassal, though continuing to live on the lands of his lord, might rescue himself from subjection to the lord's authority, because, between a bourgeois du roi and the king, there could be no intermediate seigneur. After the re-union of the province of Champagne to the royal domain in the year 1285, these invasions of the Crown on the property and powers of the lords rapidly increased. The privilege of becoming a bourgeois du roi then began to be asserted and admitted in favour of any vassal, on the simple condition of his disclaiming subjection to his seigneur, and doing fealty and homage to the

supreme suzerain. In 1372, Charles V. formally declared that, to impart to any one by grant the right of bourgeoisie was the exclusive and inalienable prerogative of the Crown.

Such having been, in general, the methods by which the bourgeoisie might be acquired, we are next to consider, What were the privileges which it conferred?

First, then, the bourgeois of a French bourg could not be taxed, without their own consent, beyond a certain maximum, the amount of which was ascertained by the charter of the place. Those charters usually provided for the commutation of tributes in kind for fixed money payments. On the same terms the corvées were abolished in the bourgs, and there also quit rents were substituted for those feudal dues, which were elsewhere exigible on so many occasions for the benefit of the lord. The bourgeois were further exempt from the obligation of finding lodging and purveyance for the king, or for any of his officers or feudatories, and from many other vexatious burdens, to which the ignoble vassals of a rüral fief were liable.

Secondly. When extraordinary imposts were to be raised within a bourg for the service of the suzerain, the bourg claimed and exercised the right of granting or of withholding such supplies at its pleasure.

Thirdly. To every bourg was conceded to some extent, and to most bourgs to a very great extent, the right of self-government. It was a right which, in all legislative and administrative affairs, was exercised by a mayor and aldermen (échevins), and in all judicial affairs by judges freely chosen by the bourgeois themselves. The bourgeois having succeeded to the legislative powers of the seigneur and his

feudal court, made bye-laws; and, having succeeded to his judicial powers, they elected magistrates for the effective enforcement of them. This great burgher franchise of self-government was in fact, as I have already observed with reference to the communes, the use and improvement by the local democracy, for democratic purposes, of the powers which had formerly been enjoyed and abused by the local despotism, for despotic purposes. By shifting hands the sceptre was converted into an ægis. Freedom was rendered secure by the acquisition of the very same instrument, which had before rendered tyranny formidable.

You will, however, understand, that the perfect freedom of this elective franchise was peculiar to the communes; and that, as the three forms of municipal government were progressively drawn into correspondence and harmony with each other, it gave place, even in the communes, to a more restricted system. The choice of the people and the nomination of the Crown were then, by various compromises, combined and reconciled with each other. Thus in some bourgs each *Quartier* voted a list of eligible candidates, and from those lists the royal officer or Prévot made his choice of the corporate officers. In other bourgs, again, one-half of the governing body were freely chosen by the bourgeois, the other half being appointed by the king. In many the people chose, not the municipal officers themselves, but electors, by whom they were to be nominated. Recourse was had in some instances to the lot, to decide between the various selected candidates; or the number of the voters was reduced by requiring peculiar and high qualifications. Ultimately, indeed, the electoral franchise of the bourgeois was reduced to insignificance throughout the whole of France; but,

during the period of which I now speak, that is, from the time of Philippe Auguste to the end of the 15th century, it existed in nearly all the bourgs, in more or less vitality, and under more or less restraint from these or similar interventions of the royal authority.

Fourthly. The Penal Law, established in the bourgs by their charters, was in many respects more lenient and more wise than the corresponding law as it prevailed in the kingdom at large. Thus, for example, the liability to damages was substituted for the Lex Talionis, the trial by battle was abolished, and capital sentences in a bourg did not involve the confiscation of the estate and goods of the offender.

Fifthly. The bourgeois enjoyed the protection of a local police long before the establishment of any such institution in the kingdom at large. They had open fairs and markets, to which all traders resorted, under the protection of the king, and the members of every trade were associated in separate guilds for their mutual defence, and (as it was then believed) for their mutual benefit, and for the improvement of their respective crafts.

Sixthly. Among the ordinary, though not the invariable, privileges of a bourg, were the right of fortifying and defending the town, the right of excluding from its precincts any money of new weight and value, even though struck at the royal mint; and the right of having an hotel de ville, a belfry, a town-clerk, and a common seal.

These municipal privileges were not, however, unconditional. The citizens bought their franchises at a price. It remains, therefore, to inquire, however briefly, What were the obligations to which the privileged bourgs were generally subject?

First, then, the bourgeois were bound to guard the town-walls,—to maintain the fortifications,—to keep

the public places and thoroughfares in good order,— to keep watch and ward in the streets, — and to provide for all the duties and expenses of the local police.

Secondly. They were required to raise funds to meet all the civic expenditure.

Thirdly. They were bound, sometimes in direct terms, and sometimes indirectly, to pay to the king a periodical tribute, which was, in fact, the price of the liberties for which they were indebted to him.

Fourthly. They were originally required to serve the king in his wars during some definite period, with some prescribed number of men-at-arms; for the bourgeois, when considered as seigneurs of the urban fief, were, like all other seigneurs, bound to render to the king military services. But the continuance and other conditions of that service were very dissimilar in different bourgs, and at length this obligation was commuted almost in them all for money payments; for the civic militia of course fell into disesteem as soon as the use of well-disciplined and regular armies had been introduced and firmly established.

I may thus far seem to have been forgetful of the question which I proposed at the commencement of this lecture; the question, that is, In what manner the French municipalities contributed to conduct France from the state of a Feudal Confederation to that of an absolute Monarchy? Whatever I have hitherto said must, however, be considered as preparatory, and as subservient to the answer to that inquiry. It is, indeed, a very brief and imperfect introduction, but may perhaps be sufficient to render the following solution of it intelligible.

First then, in proportion as the bourgs obtained the transfer of the seigniorial power from the feudal lords to the bourgeois collectively, they narrowed

the range of that power, and impaired its energy. When fiefs so numerous, and so considerable, had passed from the territorial aristocracy to the civic democracy, the external form of that despotic system ceased to be animated by its primitive and living spirit. Until then the population of France had been composed of two great antagonist powers — the nobles and the roturiers; the one enjoying all the privileges of freedom, and the other sustaining all the burdens of servitude. But when at length the bourgeois were interposed between the two as a mediating body, combining in their own persons the rights and the obligations of each, they at once mitigated the sternness of the dominant authority and the sufferings of the subject multitude.

Secondly. Each bourg formed a species of independent commonwealth within the realm; and such commonwealths, when extended throughout the whole compass of it, acted every where as germs from which the national government was to derive its growth, or as moulds by which it was to receive its future form and character. As the monarchs of France at first nourished and defended the privileges of the free cities, so the free cities at length contributed to mature and to develop the absolute sovereignty of those monarchs.

Thirdly. Though the municipalities enervated the spirit, and undermined the strength, of the feudal confederation, they were too widely dispersed, too little connected with each other, and too unwarlike, to enter into any direct conflict with it. They could wage such a war successfully only from beneath the shield of the indefinite, but constantly increasing, prerogative of the king. In that contest they found in him an effective protector, and he in them effective

subjects; who rendered to him a regular revenue, an undivided allegiance, and the services of a militia which, if not very formidable, was at least numerous, and exempt from the controul of seigniorial arrogance and caprice.

Fourthly. The bourgs extended their own anti-feudal spirit and policy to the rural populations in their respective vicinities. Not only towns, but villages, and sometimes groups of villages, imitated the revolts of the greater communes, and acquired the communal franchises. When such villages did not already exist in the vicinity of a great agricultural fief, it became customary for the king to encourage, and to authorise the erection of them, in order that, when converted into bourgs, they might serve as an asylum to ignoble vassals disaffected to their lords. Hence arose those Villeneuves, or Villeneuves le Roi, which are to be met in every part of modern France, and which, in their origin, were so many additions made to the royal, at the expense of the seigniorial, resources.

Fithly. In the immediate presence of the political liberties enjoyed in these rural bourgs, personal slavery was daily felt as a more oppressive and hateful burden; and, therefore, daily advanced with a swifter pace to its complete and final dissolution. To afford the amplest scope for the gratification of this just, and still increasing resentment, each municipality adopted and propagated those legal doctrines to which I have already referred, respecting the personal freedom of every bourgeois, and respecting the right of every slave within its walls to a prompt and easy enfranchisement. Each bourg in France thus became a city of refuge for the serfs in its vicinity.

Sixthly. Even yet more fatal to the predominance of the seigniorial power was the legal fiction which extended the Bourgeoisie to the Bourgeois du Roi, that is, to free men not really inhabiting any bourg. In this class of bourgeois, freedom (that is, the substitution of the character of a subject to the Crown for the character of a vassal to a lord) first exhibited itself not as a local, but as a personal, privilege. It was a change which introduced, not merely a new status of society into France, but also a new and prolific idea into the minds of Frenchmen. The Bourgeois du Roi were the first persons in that kingdom who, in the full and proper sense of the term, became members of the Tiers Etat.

Seventhly. The municipalities established throughout France, slowly, indeed, and imperfectly, but yet surely, that aristocracy of commerce, which is everywhere the inveterate and the fatal enemy of the aristocracy of hereditary descent and territorial possessors. In all the greater bourgs, and under the shelter of their peculiar privileges, labour and capital each began to be employed in those methods, and to be distributed according to those principles, by which each is rendered most effective as an instrument of reproduction. Wealth increased, and industry, and security; and, in many of the most important offices of life, the townsmen were thus daily taught to feel their individual worth, and their collective power.

Eighthly. The feudal dominion rested chiefly on unwritten or traditional customs, of which the court or parliament of the seigneur were the judicial expositors. The municipalities, on the contrary, were governed, to a great extent, by the *Droit écrit*, and the gradual dominion of the written over the unwritten law was alternately the cause and the effect

of a corresponding subordination of the seigniorial to the municipal authority.

The *Droit écrit* was established in the bourgs, in several methods. For, first, the charters or royal grants invariably ascertained what were the customs to which the bourg was to be subject, and under which the inhabitants of it were to live. They were, in general, the ancient customs of the place, or of the immediate vicinage; and these customs were recited in the charters with more or less of copiousness, to exclude, as far as possible, the arbitrary exercise of that judicial discretion, which is more or less inevitable, when the judges have at once to declare and to enforce rules, not expressly prescribed by the legislature, but gathered from the recorded usages or decisions of their predecessors.

In each municipality, also, the written code was, from year to year, rendered at once more copious and more precise, by the promulgation of those bye-laws which each was authorised to establish. Such bye-laws echoed and reflected the spirit of the institutions which gave them birth. They had, for their basis, natural equity, especially in whatever related to the various relations of domestic life, and to the acquisition, alienation, and descent of property.

And, as the cities of France originally caught from those of Tuscany and Lombardy the spirit of municipal independence, so they derived from the same source, the study and the admiration of the ancient Roman jurisprudence. It was quoted, followed, and adopted in many of the more considerable bourgs, and especially in the South. It supplied the judges who administered, and the lawyers who commented on it, in those local tribunals, with principles and with analogies drawn from the imperial constitutions; and,

therefore, hostile to the pretensions of the seigneurs, and favourable to those of the monarchs of France. From one end of the kingdom to the other, it thus became more or less recognised (according to the distinction of the French lawyers), either as the *Droit écrit*, or as the *Raison écrite*. It was recognised as the *Droit écrit* in those places where the Roman law had, till then prevailed as a traditionary local custom. It was recognised as the *Raison écrite* in those places where hereditary traditions, and the remains of the barbaric codes, had more or less superseded the old Roman jurisprudence. Thus either the *corpus juris civilis*, or the *coustumiers* or local codes as illustrated by it, gradually overspread every municipality of the kingdom, subverting in their progress no inconsiderable part of the feudal maxims and institutions.

To these various causes is chiefly, though not exclusively, to be attributed the victory of the municipal over the feudal system of France, and the appearance of that great element of French society which we call *Tiers Etat*. It was the immediate offspring of the Bourgeoisie—understanding that word as expressive, not of the right of citizenship, but of the whole mass of the French people, amongst whom that right was diffused; and, therefore, as comprising the bourgeois of all the old Roman municipia, of the Prévotal cities, of the communes, and of the villages possessing the communal franchise, and adding to these the Bourgeois du Roi or du Royaume. When we reflect on the inherent energy of this member of the social economy of France, we are tempted to wonder rather that its strength was so long dormant, than that it at length awoke with such terrific vitality. The explanation of their prolonged inaction is, however, neither obscure nor difficult. As the bourgs defeated the seigniorial dominion in favour of the monarchical power, so were

they themselves destined to yield to the power which they had so largely contributed to elevate. The principal causes of this vicissitude of fortune were, I think, as follows:—

First. The Bourg became a petty and democratic republic in the centre of a vast and absolute monarchy. The spirit of the one was antagonistic to the spirit of the other. Laws as immutable as the nature of man and of human society, decreed that this inherent hostility should at last ripen into a mortal conflict. To that conflict the royal power advanced with overwhelming advantages.

For, secondly, when the Bourg had succeeded in wresting from the lord his seigneurie, the Bourg itself, as I have before remarked, became, by that very act, a seigneur. The feudal rights, and, with them, the feudal obligations, of the lord were not extinguished, but were transferred to the Bourgeois. Now those obligations were numerous, and burdensome, and indefinite. In every contest between the commune and the king he successfully asserted his privileges as their Suzerain, and they inevitably acknowledged their liabilities as his vassals. The privileges were continually extended, the liabilities as continually increased.

Thirdly. The burden of military service pressed on the bourgs with extreme severity at all times. But during the wars between the Kings of France and England, those burdens became so oppressive, that, in many cases, the cities surrendered their charters and franchises in order to escape so intolerable a liability. This took place, for example, at Roye, in 1373, and in Neuville le Roi, in 1370.

Fourthly. When the parliaments of France, and especially that of Paris (as I shall hereafter have

occasion to explain), acquired a supreme jurisdiction over all civil and penal causes, they employed it in subverting or undermining every municipal privilege which was opposed to the royal will, or which abridged the royal authority. For those parliaments were originally composed of nominees and dependants of the king, who usually employed all their judicial astuteness in promoting what they regarded as his interest; except, indeed, when the prerogatives of the Crown came into competition with their own powers, dignity, and emoluments.

Fifthly. In the exercise of their judicial power, the parliaments established it as a principle of law, that municipal charters were revocable at the royal pleasure,—a principle which was not announced as a mere barren doctrine, but which was continually reduced to practice, as often as any municipality provoked the displeasure or jealousy of the sovereign.

Sixthly. By assisting the king to annihilate the seigniorial or aristocratic power, the bourgs had deprived themselves of any alliances in their future contentions with him. The Bourgeois were thenceforward brought into a direct and unaided collision with the power of the Crown, enhanced as that power was by the adhesion to it of that new nobility, which had taken the place of the ancient feudal seigneurs.

Seventhly. The bourgs were isolated bodies, whom the king could attack and conquer in detail, not confederate bodies, like the great Italian cities, or the Hanse Towns in the north of Germany. The strength of the king consisted in the concentration of his resources; the weakness of the bourgs in the wide dispersion and incoherence of the powers which they separately possessed.

Eighthly. In the contest with their sovereign, the French cities did not possess the advantage which, in that age, was enjoyed by the greater cities in Spain, Italy, Germany and England,—the advantage of commercial wealth and enterprise. There was not a single mercantile city in France, which could have competed in wealth, in manufactures, or in navigation, with Barcelona, Genoa, Venice, Bremen, Norwich, or Bristol. They could not oppose the power of the purse to the power of the sword.

Ninthly. But of all the causes of their weakness and of their fall the most important was, that their functions and powers were exclusively municipal, and were not at all political. At Florence, and Pisa, and in the other Italian Republics, the government of the commonwealth was inseparable from the government of the corporation. Those municipalities waged war and made treaties with foreign states, and rendered to their nominal suzerain little more than a formal homage. The incorporated municipalities of England have, from the earliest times, assumed a large share in the political government of the kingdom, and, as early as the reign of Henry III., appeared by their representatives in the House of Commons. Their local rights were from the first regarded as inseparably connected with the national liberties, and, in the strength of their confederacy with the nobles and the people at large, they have ever maintained their own corporate franchises. Such, also, was the condition of all the municipalities which enjoyed the freedom of the city under the Roman Republic. But it was otherwise in France. The subversion of the privileges of any particular French bourg did not appear to violate the rights of any of the constituted authorities beyond

the walls of the city itself, and was, therefore, not resented as an injury to society at large.

Tenthly. These privileges were therefore, one after another, overthrown by acts of the royal authority, which, though sometimes resisted, and especially by the City of Paris, resulted at length in a complete, though progressive, social revolution. The detail of those acts belongs rather to the provincial than to the general history of France. I will attempt nothing more than to indicate some few of the more considerable steps of this retrograde movement.

The financial independence of the municipalities was the earliest object of attack. Their revenues were chiefly derived from tolls, from fines and forfeitures, from the octrois, and occasionally from tailles. Saint Louis and his successors forbade the imposition of octrois or of tailles without their own previous and express licence. The same condition was subsequently imposed upon the resort to every other extraordinary measure by which the wants of the local treasuries could be supplied. When to escape these restrictions the bourgs borrowed money, the king again interposed to fix the time and the other conditions of the repayment of their debts. Sometimes he provided for the increase of the local ways and means by himself raising the scale of some existing impost; and sometimes he made orders for retrenching what he considered as a useless or an improvident expenditure.

These were, however, isolated measures. Their operation was limited to any particular place or places which seemed to the monarch to stand peculiarly in need of his superintending care. But, in the 16th century, this royal authority was exercised on a more comprehensive scale. Ordinances then

appeared, diminishing the number and abridging the freedom of the members both of the constituent and of the elective municipal colleges. Those ordinances ascertained and enlarged the powers of the king over the finances of the bourgs, over the choice of their public functionaries, and over their administrative conduct in the discharge of their several functions.

In pursuance of those laws, and in the exercise of those absolute and unlimited prerogatives with which he considered himself invested, Louis XIV. assumed the patronage of the various offices in the bourgs of France, which had till then been always filled up by popular elections, and sold his nomination of them to the highest bidder. To augment the number and the productiveness of such sales, he created many new civic offices, which were to be holden either in alternate years, or biennially, or for life, or as inheritances transmissible to the male heirs of the purchasers.

After these and similar invasions of the financial and official independence of the municipalities, the kings of France next made war on their judicial privileges. The Ordonnances of Orleans, of Moulins, of Blois, and of St. Maur, were successively passed for this, among other purposes, between 1561 and 1580; and, within that brief space of nineteen years, those enactments successively despoiled the civic tribunals of their jurisdiction, first in all commercial causes, then in all civil suits, and, lastly, in all cases of crime. Their competency was thus narrowed within the limits which circumscribe the powers of a magistrate of police, or of a court of requests; and even in those questions of police which immediately concern the health and the beauty of towns the central power superseded the local authority in many essential re-

spects; as, for example, by prescribing general rules to be observed in all bourgs as to the laying out of streets and the mode of building houses, and by appointing royal officers to superintend the sewers, the public thoroughfares, the markets, the weights, and the measures.

The general principle regulating the relations between the royal government and the privileged cities of France thus came at length to be, that they were to be regarded as in a perpetual pupillage, and the king as their guardian. Thus they were forbidden either to alienate or to mortgage their property without his licence. To detect their past extravagance, they were required to send to the Royal Intendants of their respective provinces accounts of their receipts and expenditure during the ten years preceding the year 1669. To prevent their future waste, Louis XIV., in 1673, required that they should annually lay before the intendants, for their previous sanction, budgets of their expected income and of their intended outlay for the ensuing twelve months; and the intendants were not at liberty to give that sanction without the express licence of the royal council, if in any case the contemplated outgoings of the year should exceed a certain maximum, which was fixed for the annual expenditure of every such city.

Thus, one by one, all the powers of the municipalities were extinguished, with the exception only of such as afforded to the Bourgeois no exercise for ability, and no stimulus to ambition. From the position of independent commonwealths they had fallen to the state of parochial vestries. Originally they had enjoyed privileges which menaced the breaking up of France into a multitude of petty urban oligarchies, and which were actually fatal to

the rural oligarchies of feudalism. Ultimately those privileges were destroyed by the monarchical ally with whom they had conducted their long and successful struggle against the seigneurs. They were then absorbed in the great and progressive centralisation of all political power in France. During more than a century they remained helpless and impotent within its grasp; the least dreaded, but not the least formidable, of those springs, the rebound of which was at length to rend asunder, with such terrific violence, the bands by which they had all so long been compressed.

LECTURE VI.

ON THE ANTI-FEUDAL INFLUENCE OF THE EASTERN CRUSADES.

When Peter the Venerable proclaimed to indignant multitudes the profanations of the city of the Great King,—and when St. Bernard announced to breathless crowds that "the Lord stood in need of their aid" (such were his own words), "or rather feigned to stand in need of it, that he might appear in their defence," "graciously willing to become their debtor, that so he might bestow pardon of sin and eternal life on them who should fight manfully in his cause"—both the impassioned hermit and the half inspired saint were giving utterance to fears and to resentments by which the Christian world had been agitated during the six preceding centuries, for so long had the dominion of the Mussulmans been attainnig to its full growth and development. Though not without many vicissitudes, they had, throughout that long period, been still on the whole advancing.

They had possessed themselves of Syria; they had subdued Egypt, and the Roman province of Africa; they had conquered Spain, and all the islands of the Mediterranean; they had ravaged the coasts of Italy; they had invaded France; and, notwithstanding the victories of Charles Martel and his successors, they had effected a settlement in Septimania; and now they were menacing the safety of Constantinople, the great outwork and rampart of Western Europe. To the statesmen of that age the further progress of the Saracenic arms must have appeared as the most formidable of all dangers. To the great body of the people the indignities offered by the Saracens to the Holy Sepulchre and to the pilgrims resorting thither, must have appeared the most revolting of all injuries. The enthusiastic many were then of course, as at all other times, the unconscious instruments of the politic few. But it is not less a matter of course that the politic few became, in turn, the victims of their own spells; and themselves at length imbibed the passions which they excited.

Nothing is more easy than to detect the worldly motives which impelled the ruder population of the Western world to roll in eight successive and desolating torrents towards the shores of Africa and the East. The Crusader received a plenary indulgence, that is, the remission of all the penances by which, as he believed, his sins must otherwise have been expiated, either in the present life, or in purgatory. During his absence, the Church became the protector of his wife, his children, and his estate. Whoever might injure them was declared excommunicate, ipso facto, and without any further sentence. His debts ceased to bear interest from the day of his departure,

even though he had bound himself by an oath to the payment of them. He was authorised to postpone, till the lapse of three years, the full payment of any debt which was then actually due. If his estate had been mortgaged, he was entitled to receive the whole produce of it, during the first year of his crusade, without any deduction for the benefit of his creditor. He was exempted from the payment of any taille which might be imposed on his lands during his absence; and, finally, he might insist on receiving from his parents a tenth of their income for his own support.

Strong inducements these to a dissolute and necessitous multitude to abandon their homes for the excitements of an unknown, and, as it was supposed, a lucrative warfare. But it would be a libel on our common nature to ascribe to such causes alone, or chiefly, a movement which, during 150 successive years, agitated every state, and almost every family in Christendom. The dark mysteries of our existence, though little heeded in our own luxurious and mechanical age, pressed heavily on the spirits of those who lived beneath the tyranny and the gloom of the feudal domination. In their struggle with those inscrutable enigmas of our mortal being, they yielded up their minds to a long succession of superstitious terrors, and the legends of those ages abound with prodigies far more strange than those with which Livy has made us familiar. Men were gazing anxiously on the stars, which were ready to fall and crush this antiquated globe. They saw on their own bodies the miraculous impression of the holy cross. Nuns and hermits, returning from their cells, alarmed the world with fearful anticipations.

The saints, quitting their celestial abodes, re-appeared on earth, to disclose to trembling man the awful behests of his Creator. Throughout the whole of Eastern Europe, Flagellants exhibited to admiring crowds their self-lacerated bodies. Vast multitudes of children assembled together, not for childish sports, but to pursue what they imagined to be the way to Jerusalem. Nay, Innocent III. himself announced, in a papal bull, that little more than 60 were yet to elapse of the 666 years, which the Apocalypse had assigned as the limit of the reign of Mahommed. It was an age in which all might observe, though perhaps but few could interpret, those heavings and swellings of the popular mind which invariably indicate the approach of some great innovation in human affairs.

When, therefore, enraptured voices summoned the Western world to throw its accumulated forces on the followers of the False Prophet, they sounded to an incalculable host of listeners but as the audible expression of those vehement but indefinite emotions under which their own bosoms were already labouring. That summons was re-echoed from one extremity of the European continent to the other. Monks exchanged their cowls for coats of mail. Aged men pressed onwards in the hope of at least laying their bones in the holy city. At the head of several ladies of high degree, the Countesses of Flanders and of Blois and a daughter of the Duke of Burgundy joined the sacred armament. Each prince, as he assumed the Cross, found himself at the head of bands of devoted followers. There were not, indeed, wanting jesters in those days to enjoy the comedy, nor thrifty men to grow rich in the market thrown open to them by this

strange excitement; but in the words of an eye-witness, "ii plerumque quos nulla adhuc eundi voluntas attigerat, dum hodie, super omnimodâ aliorum venditione cachinnant, dum eos misere ituros, miseriusque redituros affirmant, in crastinum, repentino instinctu, pro paucis nummulis suâ tota tradentes, cum eis proficiscebantur quos riserant." So ardent and so universal was this enthusiasm, that Anna Comnena declares that it would have been easier to reckon the leaves of the forest, the sands of the sea, or the stars of the firmament, than to count the Crusaders who rolled in interminable waves towards the shores of the Bosphorus.

In more measured terms it may be stated, that, in the earliest of these expeditions, the Crusaders might have been calculated by millions; and very far exceeded the number of the followers of Xerxes, or any other invading army of which either the Western or the Eastern world retains an authentic tradition.

From the mysterious, the romantic, and the picturesque aspect of this passage in the history of mankind, we must, however, pass to investigate (as far as our time will allow) what was the effect of the Crusades in depressing the Feudal, and elevating the Monarchical, power in France. And, with a view to perspicuity (of all objects the most important in discussions of this nature), I will arrange the remarks I have to offer on that subject under twelve different heads, hoping that I may thus escape the confusion incident to the immediate juxtaposition of many topics, which are connected with each other by no logical sequence or natural arrangement, and may so be able to diminish the demand I must otherwise have made on your attention now, and your recollection hereafter.

First, then, I will advert to the tendency of the Crusades to abridge the Feudal power by diminishing the number of the serfs attached to the various seigneuries in France.

Slavery and feudality were inseparable concomitants. The wealth of a seigneur was composed of two elements, the land and the labourers who cultivated the land: or, rather, his capital may be said to have consisted almost wholly in the command of compulsory and ill-requited labour, for land was then of little exchangeable value; whereas labour was deficient and of high price. According therefore to what may be received as an universal law, the spontaneous manumission of the feudal slaves was at that time impossible. It could be accomplished only by the intervention and the constraint of some external and superior power.

Feudal slavery was, however, mild and gentle in France when compared with the state of slavery in ancient Rome, or in the European settlements in America. The French feudal slave was for the most part prædial, and attached to the soil; or, as our own law expressed it, was a villain regardant. There, indeed, he was bound to live and to labour throughout his whole life. But in many cases he was, in some sense of the word, the owner of the land on which he wrought. He rendered to the lord a stipulated rent in money or in kind; and though the property was continually liable to forfeiture by escheats, and could not be either abandoned or alienated by the serf without the lord's consent; yet, on the whole, the servile condition of such cultivators bore a much stronger resemblance to that of the present serfs in Russia, or to that of the ryots

in Hindostan, than to that of a modern slave in Alabama or in Brazil.

The legal impediments to the manumission of the French serf were, however, many and formidable. An ecclesiastical seigneur was unable to enfranchise his serf, because such an act would have alienated a part of the property of the Church, which the canon law declared to be inalienable. A lay seigneur was unable to enfranchise the serf without the concurrence of each in turn of the various other lords who, in the long chain of feudal dependence, might have an interest, mediate or immediate, or more or less remote, in the fief to which the serf belonged.

But the Crusades introduced, if not a new law, yet at least a new custom of enfranchisement. According to the Roman, and perhaps every other code, the *military* character was incompatible with the *servile* condition; especially it was so in the case of one whom they called Miles Dei. If, then, the serf could join the standard of a Crusader, and himself assume the Cross, he became free. No positive law, indeed, forbade the lord to reclaim him; but the universal sentiment of society was at once the source and the sanction of a tacit law of that kind.

To have withdrawn a soldier of the Cross from his high and holy calling, in order that he might resume his former menial employment, would have been to outrage the common feelings of mankind, and to provoke from them an insuperable resistance. Thus the murmurs of the seigneur, the legal objections of the canonists, and the claims of the suzerain, were all alike silenced by this military emancipation.

The Droit d'Aubaine gave to the seigneur a right to the services of any vagrant found on his fief after the lapse of a year and a day; unless, within that

period, the vagrant had acknowledged himself to be the serf of some other lord: that is, the legal presumption in the case of all strangers was in favour of their slavery and against their freedom. But the effect of the Crusades was to reverse this presumption, and therefore to diminish the supply and the number of serfs. For those wars threw the whole population of France into unwonted habits of change of place. When Crusaders were wandering over the whole surface of the kingdom, it became no longer possible to consider, and to deal with, all wanderers as presumably slaves. Such persons were thus permitted to answer the usual challenge to name their owner, by declaring themselves vassals of the king. But a vassal of the king was necessarily free.

These new habits of locomotion also gave additional importance to another law, which eminently favoured personal freedom. It was the law which presumed a valid title to liberty in any man who had passed a year and a day in any commune. The gates of such cities, as we have already had occasion to observe, were always wide open to those who fled to them as places of refuge, for thus establishing or acquiring their freedom. With the general dispersion of the people during the assemblage of the crusading armies, the number of such fugitives continually increased, and the roll of the citizens was thus constantly augmented at the expense of the seigneurs and their fiefs.

Thus the Crusades tended *indirectly* to abridge the supply of rural labour, and so to diminish the wealth and the power of the lords. They tended *directly* to the same end, because, to escape this otherwise inevitable loss, the lords voluntarily promoted the manumission of their bondsmen, and then allured them

to remain on their estates, by assigning to them land to be holden on low and unalterable money rents.

Secondly. The Crusades tended to increase the strength and the number of the communes, which (as I have shown in my last lecture) were the natural foes and inveterate antagonists of the feudal power.

The communes were the great emporiums of commercial enterprise and capital in France. Now the Crusades created an enormous and fictitious demand for such capital; or, in other terms, they enhanced the value of money, and depressed the price of all other exchangeable commodities, to an extent never before or since known in the world. They, therefore, placed the Crusaders, who were every where anxious to raise money by the sale of what they possessed, at the mercy of the citizens, who alone had, at their command, the funds requisite for purchasing such possessions. Conceive of the effect, in that uncommercial age, of a simultaneous demand for money in every part of Europe, by tens of thousands of persons engaged in equipping themselves and their followers for the holy war. A well filled purse could, at such a crisis, command bargains which the wildest imagination of the most unscrupulous extortioner would in other times have regarded as fabulous. In the first volume of Robertson's History of Charles V. you will find many curious examples of this state of the money market during the two first Crusades. The Counts of Foix and of Hainault actually sold their sovereignties. Richard I. put up to sale even the office of grand justiciary; and is said to have declared that he would sell London itself if he could find a purchaser. Many of the French seigneurs recklessly alienated the only means of their future subsistence —their lands, houses, furniture, and castles; and in

the midst of this general ferment the calm and wealthy Bourgeois made their purchases. They bought many things of the distressed but enthusiastic warriors of the Cross; but especially civic rights, which (as an author of that age declares) the seigneurs would at any other time have died rather than have conferred.

But it was not merely by the science of the counting-house that these associated merchants at this period acquired or increased their corporate franchises. During the absence in Palestine of many a gallant knight, lawless encroachments on his seigniorial privileges were in progress, and were gradually, but securely, ripening into indestructible liberties. The king willingly lent his aid and his authority to such usurpations; for to multiply communes was to increase his own powers, because, in every commune, he was the immediate and the only seigneur. Royal letters patent were, therefore, easily obtained for the creation of them, when the seigneur was not at hand to resist the grant. Returning from the camp before Acre or Constantinople he found to his dismay, in the centre of his own feudal territories, a camp of another kind—an intrenched position over which the royal standard waved, and in which his own dominion was no longer acknowledged, but where many of those had taken refuge on whose allegiance and fidelity his station, rank, and fortunes were dependent.

Thirdly. The Crusades tended to terminate those private wars by which the seigneurs asserted and maintained their powers.

In those wars the lords commanded not merely their feudal retainers, but bands, who, like the Condottieri of Italy, followed any chief whose reputation allured, and whose wealth could maintain, them. When the

military power of France was directed against the Eastern world, these bands swelled the trains of their former seigniorial leaders. It is difficult to doubt that when the French kings plunged with such seeming recklessness into the holy war, they really foresaw, and designed, this advantage to themselves and to their more peaceable subjects. No policy could be more obvious, or more attractive, than that of thus delivering France from the scourge of private wars, and of the ferocious and undisciplined troops by whose aid they were so often conducted. Sixty years before the earliest Crusade, the Church had, with the same beneficent purpose, proclaimed the Trêve de Dieu. But the Crusades themselves promised a much more effectual remedy, nor was that promise unfulfilled. In the words of an historian of that age:—"Innumeris populis ac nationibus ad sumendam crucem commotis, repentè sic totus penè occidens siluit, ut non solum bella movere, sed et arma quempiam in publico portare, nefas haberetur."

The same writer (Otto of Frieseland) has a whole chapter on the various wars which were composed by the expedition to Palestine. There may perhaps have been some tendency in that age to exaggerate the benefits of the Crusades; but it is at least certain that, with the close of them, both the practice and the right of undertaking private wars were brought to an end. In a future lecture I propose to explain how such wars were finally prohibited by St. Louis, whose ordinances on that subject owed much of their vitality to the new modes of thought and action which the Crusades had nurtured. It was an innovation dictated by the piety and the humanity of that illustrious prince, but which tended strongly, though perhaps undesignedly, to destroy one of the powers which

had made the seigneurs most formidable,—to subordinate their authority to that of their sovereign,—and to bring them under the wholesome control of public opinion.

Fourthly. The Crusades contributed largely to restore the Roman law in France, and therefore to subvert the customs on which, as on its basis, the Feudal power rested. During many years after the reign of Theodosius, the code which bears his name was received and prevailed both in the Greek and in the Latin empire. It was afterwards superseded in the East by the code of Justinian, in the West by the Barbaric codes, and especially by those of the Franks, the Goths, and the Burgundians. But there always lingered deep traces of the Roman jurisprudence to the southward of the Loire. When, therefore, the Crusaders returned from Constantinople, and brought back with them the attachment and reverence which they had there acquired for the code of Justinian, they found in Guienne, Languedoc, and Provence, a soil ready for the reception and nourishment of the seeds of this new jurisprudence. Bologna, indeed, enjoyed for a long time a species of monopoly of this kind of knowledge and instruction; but it spread progressively over France, and eventually stifled the growth there of the legal maxims which, during three centuries, had maintained and consecrated that which may be termed the political code of Feudalism.

Fifthly. The Crusades contributed directly to change the judicial institutions by which the law was administered, and so to favour the introduction of the laws of Rome.

The courts of justice in that age in France, as I shall hereafter have occasion to explain, were either royal or seigniorial or communal. The court

of the seigneur was holden by himself, or by a judge of his appointment, assisted by the chief vassals, knights, and squires of the fief. But, during the Crusades, these courts fell into neglect or desuetude, partly because the lord himself and a large proportion of his vassals were absent in the East, and partly because the Bourgeois, who, as has been shown, had become the purchasers of large numbers of the baronial fiefs, were always prompt to enlarge the communal at the expense of the feudal jurisdiction. In those populous and wealthy cities were usually to be found men of leisure and of studious habits;—men well disposed to exalt the authority of the Roman law, favourable, as it was, to municipal privileges, and opposed, as it was, to the barbaric or feudal institutions;—and men perhaps yet more disposed to advance the authority of a code which afforded such abundant exercise for the astuteness of the legal profession, and such ample scope for elevating the rank of its members, and augmenting their emoluments. The progress of our own tribunals in the work of covert though real legislation,—in the enactment of laws under the form and pretext of interpreting law,—and in the usurpation of powers foreign to the original objects of their existence,—will readily illustrate the mode in which the communal courts of France succeeded (to borrow one of our own legal phrases) in ousting the baronial courts from their traditionary and admitted functions. The motives in either case may not have been sublime. But in each the general result was eminently beneficial. Westminster Hall did not wage a more determined or more successful war against the ecclesiastical judges, than was carried on by the communal against the feudal jurisdiction in France. Eventually, indeed, the royal courts subdued and superseded the conquerors themselves; and then,

amongst other less momentous victories, they abolished the old feudal trial by wager of battle. Thus, while the crusading seigneurs were erecting royal thrones at Jerusalem and Cyprus, they were forfeiting the judicial thrones, which had long been the main buttress of their strength both in Southern and in Northern France.

Sixthly. The Crusades were fatal in many cases to the maintenance of the ancient relations of the feudatories and the royal suzerains to each other. The numerous sales of fiefs by their owners to raise funds for the service of the holy war had frequently the effect of consolidating many such possessions in the same hands. Thus two or more smaller fiefs were in those times often thrown into one large fief; and yet, more often still, the numerous links of the chain which connected the actual possessor of the soil with the ultimate suzerain were annihilated. The wealthy commune, or the rich merchant, bought out, as we should say, the whole line of seigneurs to whom fealty and homage were successively due; and the king became the immediate and the only suzerain of lands to which his title had before been far more remote and imperfect.

Till the Crusades it was an established principle of the feudal law, that no roturier could acquire or hold a fief. But the citizens of the Bourgs, who belonged to that class, were the only persons rich enough to purchase such properties. What was then to be done to reconcile their absolute inability in point of law, with their exclusive ability in point of fact, to make such purchases? Philippe Auguste solved this difficulty by a law, which declared, that the royal investiture of any man with a fief raised him from the rank of a roturier to that of a noble. Thence-

forward, therefore, the plebeian citizen, on buying such an estate, and on obtaining from the king the investiture of it, became a patrician. No more deadly blow could have been aimed at one of the vital principles of Feudalism. The jurisdiction, the powers, and the dignities of a chieftain ceased to be the inalienable attributes of an hereditary caste. To the great scandal, no doubt, of many whose ancestral legends boasted of deeds done at Tours or at Roncesvalles, there appeared a new class of seigneurs, Goldsmiths perhaps, or Mercers, or even Vintners, who continued to live in the cities where they had grown rich, preferring the profits of the exchange, or the pleasures of a civic banquet, to the unwonted solitude and the hazardous duties of a châtelain.

Now the coincidence of these three circumstances,—first, the consolidation of fiefs; secondly, the immediate approximation of the king to the seigneur in possession, as his only suzerain; and, thirdly, the transfer of many such estates from military chieftains to mercantile men,—tended at once to exalt the monarchical, and to depress the feudal, authority. The king had less rivalry to encounter from his new feudatories. The new or commercial seigneur had less disposition to contend with his royal superior. An increased aggressive force was opposed to a diminished defensive resistance.

Seventhly. The Crusades tended to impair the power of the feudal chiefs by changing the whole military system of Europe. The structure of feudal armies was essentially defensive. They were unfit for foreign conquest, or for any prolonged or extended belligerent operations. As a general rule, a chief was entitled to the service of his retainers in the field only during forty successive days; but, in the

invasion of the Holy Land, it was impossible to adhere to this, or to any other definite limitation of time. The leaders of those expeditions, therefore, claimed and received the submission of their followers for periods indeterminate, but far exceeding the extent of their strict legal liability; and in this, as in other cases, the unopposed encroachments of power gradually, though silently, ripened on the one side into the right to exact, and on the other side into the obligation to render, similar obedience in all future and analogous cases.

Besides, to the safe conduct of so vast an enterprise, unity of command, strictness of discipline, and the prompt obedience of all inferior officers to the leader of the host, were so manifestly indispensable, that not even the pride and the prejudices of the feudal lords who followed in the train of Godfrey, or of Boniface of Montferrat, could withhold from those great captains that supreme and absolute power. This practice of moving armed men in vast masses, and on distant enterprises, under the guidance of one all controling will, soon became habitual in all the states of Europe. It was, however, the very antithesis and contradiction to the feudal principle, which till then had been recognised in them all. That principle required the division of all such forces under a body of military aristocrats or oligarchs; submitting indeed, during a few weeks, to the same commander-in-chief, but rejecting, even during that brief period, the superiority in the field of any officer subordinate to him. When the object of European warfare ceased to be the conservation, and came to be the acquisition, of power, Feudalism began to take its place among obsolete and antiquated institutions.

Eighthly. That result was yet further expedited

by novelties which the Crusades introduced, not merely into the science of strategy, but also into the composition, the support, and the conveyance, of armies; for, from the time of those expeditions, may be dated the first appearance of the four great military departments, which have ever since been considered not less essential to the successful conduct of a war, than even the office of the general himself. A feudal force marched without a commissary to provide the requisite supplies of food and clothing; or a quarter-master to superintend the execution in detail of the movements which the leader had directed; or an ordnance officer to furnish and conduct the necessary weapons and munitions of war; or an engineer to baffle the natural or the artificial obstacles which might impede the progress of the invading host. But when vast bodies of men were to march across distant territories, whether allied or unfriendly; and still more when they were to be embarked on long and remote voyages, then these parts of the mechanism or organisation of regular armies became evidently indispensable. Then, also, was first brought into use the function of the provost marshal, the executive officer, by whom strict discipline is maintained, and who, whether on shipboard or ashore, superintends the military police. Now these innovations were not only incompatible with the belligerent system of the Feudal Dynasty, but were eventually destructive of that system; for no one nation could ever return to those ruder arts of feudal warfare, when all nations had been taught these more comprehensive arrangements of a scientific campaign.

Even yet more effective in the same direction was the change which the Crusades introduced in the comparative estimation in which horse and foot soldiers had till then been held. You have only to

open Monstrelet or Froissart to see with what contempt the feudal lords and their favoured followers regarded that arm of the service which we now distinguish as the Infantry. The best titles they get from the aristocratic writers are those of Roturiers, Paysans, and even Brigands, to which are added a thick fire of contumelious, though to myself unintelligible, nicknames. On the other hand, the seigneurs, the nobles, the knights, and esquires, with their admiring chroniclers, bestrode well-bred and well-managed steeds, covered like themselves with coats of mail or chain armour; and rode up and down the field like so many moveable forts, against which the swords and missiles of the plebeian footmen were directed in vain. But when these gallant cavaliers were to embark for Acre or for Tunis, their horses proved most unmanageable incumbrances in the transports of those days. When they landed there, they had to encounter troops far better mounted than themselves, and still more expert in all equestrian exercises. But as often as they were constrained, by these and other causes, to quit the saddle, the knights and seigneurs found to their own surprise that, when drawn up on foot in line of battle, they could resist the charge of the best appointed cavalry with a far greater steadiness and success than when fighting in what had at first seemed more advantageous terms. Thus, therefore, the infantry gradually rose in favour and consideration, and the Venetian Sanutus (an eye-witness and historian of some of those campaigns) is quoted by modern writers for the statement, that it had passed in his times into a maxim, that an army in the East ought to be composed of fifteen foot soldiers for every horseman. The quotation may perhaps be

inaccurate (for I have not verified it); but it is at least certain that the Crusades greatly abridged (though they did not annihilate) the wide chasm which till then had separated the rank of the mounted cavalier from that of the more humble Fantassin; and that with the fall of this social distinction between the two classes, fell also much of the political distinction which had so long and so highly elevated the feudal seigneur above the free men whom he held in vassalage and led to battle.

Ninthly. I pass over without comment the effect of the Crusades in augmenting the wealth and power of the Papacy, and in calling into existence the new or Mendicant orders: the first, the head of all monarchical authority; the second, the leaders of all democratic power in the then European world. A more convenient place for these topics will occur in the lecture which I hope hereafter to address to you, On the action and reaction of the Ecclesiastical and the Civil states in France on each other. For the present I confine myself to the remark, that Monarchy in all its forms (and therefore in the papal form) and Democracy in all its developments (and therefore in the Franciscan and Dominican developments) were the irreconcileable, and at length the triumphant, antagonists of that stern Aristocracy which the feudal chieftains had maintained in France during three successive centuries.

But, tenthly, the growth and the influence of the great military orders during the same era falls more immediately within the range of the inquiry in which we are at present engaged. Whatever may be the truth or the falsehood of the frightful imputations by which those orders were at length overwhelmed, it would be an idle prejudice to doubt that their

original designs were noble, humane, and pious. When the Christian cavalier was about to abandon the home of his ancestors, and the scene of his own youthful sports and studies, for the defence or conquest of the Holy Sepulchre, he not seldom summoned to his aid all the profound hopes and recollections which kindle the self-devotion of the martyr, and the zeal of the missionary. He often began his perilous enterprise by passing through what he and others regarded as a religious and an awful ceremonial. The bath in which the knight was plunged was suggestive of a retrospect to a far more sacred and mysterious baptism. The white robes in which he was arrayed symbolised the personal purity to which he pledged his honour and his faith. The kiss which greeted his admission into an order of chivalry, reminded him that he was a member of that Holy Church, in which an Apostle had enjoined the observance of the same emblem of a spiritual brotherhood. The society, at once warlike and religious, into which he passed, was emblematic of the Church Militant here on earth. Becoming a knight companion of St. John of Jerusalem, of the Templars, of the Teutonic Order, or of the Hospitallers, he was bound to do battle to the death against the Infidels,—to combat the world also, and the flesh and the devil,—to support the weak,—to minister to the sick,—and to protect the pilgrim. How well these vows were sometimes performed is attested by the histories of Rhodes and of Malta. But for my immediate purpose it is more material to observe, that these devoted champions of the faith gave to the kings of France the command of a new and formidable militia; a militia not dependent on the caprice or on the aids of his feudal lords, but animated by an undying zeal, and

prompted into ceaseless activity; waging war sometimes as the followers and sometimes as the allies of their sovereign, but in either case diminishing the royal dependence on the feudal seigneurs, and in the same proportion diminishing the strength which those seigneurs had so long derived from holding their king in the bonds of that dependence.

Eleventhly. The Crusades, more than any or than all other causes, laid the foundations of those commercial enterprises, which since that period have never ceased to occupy the attention, or to increase the wealth and to secure the liberties of the maritime powers of Europe. Though not among the most persevering, France was among the earliest of the competitors for these advantages. But in France, as elsewhere, there was and could be no reconcilement or compromise between the free spirit of Commerce and the despotic spirit of Feudalism. Every where, and at all times, the merchant has been the successful antagonist of the seigneur.

Before the discovery of America, the great trade of the world consisted in the interchange of the products of the Asiatic with those of the European continent. It was conducted through two routes, the northern and the southern. The northern route lay through the Caspian Sea, thence to the Wolga, so overland to the Don, and then down that stream to Trebizond and Constantinople. The southern route lay through the Red Sea to Suez, and so to Cairo, and then down the Nile to Damietta and Alexandria. Thus the capitals of the Greek empire and of ancient Egypt became the two great emporiums for the supply of Europe with the merchandise of the East. At the period of the Crusades that merchandise was chiefly composed of silks wrought

and unwrought, of fine linens and cotton fabrics, of sugar, of drugs, of spices, of diamonds, pearls, and other precious stones, of silver and of gold. The temporary conquest and occupation of these great marts by the Crusaders awakened in them, and through them in the inhabitants of Western and Northern Europe, a taste, till then scarcely known there, for these luxuries. The natural, or rather the inevitable, consequences promptly followed. The most solemn vows to rescue or to defend the Holy Sepulchre were forgotten by many a champion of the Cross in his too diligent search for pepper, nutmegs, and cinnamon. Disguised in oriental robes and turbans, many a once ardent pilgrim undertook the exploration of new routes to Cashmere or Golconda. Returning homewards they concerted, and especially with the merchants of Venice, Genoa, and Pisa, the establishments of Eastern entrepôts of trade as rivals to Constantinople and Alexandria. Ere long the Pisans had formed factories at Tyre, at Antioch, and at Acre. The Genoese founded a flourishing colony at Jaffa. The Venetians actually put up to auction the islands of the Archipelago which had fallen to their share in their victories over the Greek empire; and thus the city of Gallipoli on the Hellespont, Naxos, Paros, Milo, Lemnos, and Herinea became commercial establishments of the Dandolos, the Viaris, and the other senators of the Palazzo di Santo Marco. Stranger still, the Marseillois and other French citizens obtained a possession, half warlike, half mercantile, of the Morea, of which William de Champlette became the nominal prince. Louis, count of Blois, assumed a feudal sovereignty at Nicæa in Bithynia, with the title of Duke. One Regnier de Trit, a gentleman of Hainault, appeared at Philip-

opolis in Thrace in a similar character: and that these trading principalities might attain to their complete anti-classical climax, Otho de la Roche, a Burgundian seigneur, erected his throne beneath the shadow of the Parthenon; and, rejoicing in a title which Alcibiades might have envied, was hailed as Duke of Athens and great Lord of Thebes: "Duc d' Athènes et grand Sire de Thèbes." Those French settlements were, indeed, formed rather to gratify the ambition of the military chiefs who commanded them, than to promote the speculations of the traders who settled there; for the worship of the goddess Glory is no modern form of idolatry in France. In fact, however, they promoted the commercial much more than the political or the military views of the settlers; and when the French were eventually expelled from these Greek and Asiatic conquests, they still answered the more vulgar purposes of the Lombards in the South, and of the Hanseatic confederacy in the North, by whom Paros and Nicæa and Philipopolis, and Thebes, and Athens were reasonably, though perhaps not very poetically, regarded as so many admirable stations for the counting-house.

France did not ultimately participate to any great extent in the commerce with the East which her arms had thus thrown open to the Italian and the German speculators. The genius of her people has never been eminently commercial. But she felt deeply and lastingly the influence of the great innovation in the trade of the world of which the Crusades were at once the commencement and the cause. For the first time in her history she then became a maritime power. Till the return of Philippe Auguste from the Holy Land, France had been accustomed to hire from the Genoese and Pisans the tonnage required

for the conveyance of her armaments to the East; but taught by the observations which they had made during those voyages, the French studied the arts of naval architecture and navigation, and became ship-builders on their own account. They at the same time adopted the use of the mariner's compass, and claim to have been the authors of that maritime code, called the Laws of Oleron, of which England acknowledged the authority, and which, if the text writers of our own law may be trusted, were first formed and promulgated by Richard I.

While pursuits such as these grew in popular estimation, the feudal lords insensibly, though rapidly, descended from the social eminence on which they had hitherto stood. They ceased to be the great depositories of the national wealth. Their estates, and even their dignities, gradually passed into the hands of men enriched not by royal grants or by military plunder, but by the sale of wine, and oil, and silk, by money lending and brokerage, by invoices and bills of lading. In the 17th and 18th centuries, when genealogy was still a favourite study in France, few if any of her illustrious families could really trace back the nobility of their ancestors beyond the Crusades; for those families which had been noble at a yet earlier period had, under the silent influence of these changes of fortune, given place to houses which had till then been merely roturier. It is not in England that we shall seek in vain either for an explanation or for examples of a similar rise of plebeian and fall of patrician families. But it is in England that we shall best find proof of the wisdom of continually recruiting the political aristocracy from all those ranks of men to whom the popular mind will ever ascribe an aristocratic dignity: from

the foremost in arms, in senatorial eminence, in forensic triumphs, in territorial or in commercial wealth. The ancient French seigneurs despised and rejected such alliances, until they were themselves despised and rejected as allies by the noblesse who had superseded them. The same error was committed again by the nobles of modern France, and with the same disastrous results. If the courtiers of Louis XV. had well pondered the history of their country, both before and after the Crusades, they might have foreseen that just as the *novi homines* of the 14th century had usurped and crushed the Feudal power, so the Bourgeois of the 18th were about to usurp and to crush their own.

Twelfthly. The Crusades contributed to diffuse over Western Europe an intellectual light fatal to that barbaric darkness which had first nourished the germs, and had then fostered the growth, of the Feudal power.

It was the boast of Rome that she civilised those whom she conquered. It was at once the better founded and the nobler boast of Greece, that she civilised her conquerors; and subjugated, by her superior wisdom, those who had subdued herself by their superior force. Degenerate as were the Greeks at Constantinople in the middle ages, they might still assert their hereditary title to this species of intellectual triumph. They still spoke the language of Homer, and of Plato, and of Chrysostom. They still preserved and admired the Olympian Jupiter of Phidias, the Venus of Praxiteles, and the Juno of Lysippus. The Corinthian Horses which now stand before the church of St. Marc, and which once stood between the Louvre and the Tuilleries, were then among the embellishments of the capital of the East.

To their Saracenic invaders they imparted the knowledge of Aristotle, and of many other less illustrious Greek philosophers. Availing themselves of these new lights, the Arabs established at Cairo, at Bassora, at Fez, at Tunis, at Alexandria, and in many other cities, schools for translating and teaching the treatises on medicine, astronomy, geometry, and chemistry, which they had demanded and obtained from the Byzantine emperor. They founded for the same purpose a still more celebrated college at Salerno, which supplied the great Benedictine monastery of Monte Casino with, at least, one of its most eminent scholars. When, in their turn, the crusading Franks laid siege to Constantinople, they also, in turn, drew instruction from the ever salient fountains of Grecian learning. In that age of tardy and difficult communication between remote countries, as in the times of Pythagoras and Herodotus, knowledge was to be acquired chiefly by toilsome foreign travel, and by the personal intercourse with each other of learned and inquisitive men of different and distant nations. And as in the 18th and 19th, so in the 12th and 13th centuries, a French invading force was seldom unattended by savans skilful to scrutinise, and prompt to appropriate, the literary wealth of the lands through which they passed. Traversing the Greek empire, and many of the Saracenic provinces, those half military scholars gathered, in each, the learning and the arts which, originally issuing from Athens and Corinth, had been cherished at Constantinople, and had thence been transplanted by the Moslem into Syria, and Africa, and Egypt.

In imparting these stores of knowledge to Western Europe, the Arabs proved themselves more zealous and more successful than the Greeks. The moral

and the physical sciences were in that age far better cultivated and understood on the banks of the Nile than on the shores of the Hellespont; and amidst the disasters of his Egyptian crusade, St. Louis found the leisure to examine, as he had the candour to admire, the noble collections of books formed by the care of the later Emirs. The library of La Sainte Chapelle at Paris, though the germ of the Bibliothèque du Roi, was originally nothing more than an imitation, by that great man, of the treasury of learning which the Caliph Almamon Abdallah and his successors had extorted from the fears of the Byzantine court. The French universities caught and propagated the flame which thus, even amidst the shock of arms, was kindled in the bosoms of some studious men. The morals, the logic, the politics, and the physics of Aristotle took possession of the schools of Paris; and though, at first, they were placed by a provincial council holden there among heretical books, and sentenced to the flames, yet, in the lifetime of St. Louis himself, they had found in his friend, St. Thomas Aquinas, a commentator who devoted five volumes to the reconcilement of the doctrines of the Stagyrite with those of the Evangelists. And then came forth, and especially from our own land, that wonderful race of men, the seraphic and irrefragable doctors, whose peculiar office it was to exercise and educate those faculties of the human mind, which were destined in a later age diligently to interrogate nature, and humbly and faithfully to record her answers.

Philosophy was not the only intellectual conquest achieved by the Crusaders. They opened to the European world a far more exact and comprehensive insight than it had before possessed into the science of geography; and then, for the first time, since the

rise of the Crescent in the East, Armenia, Tartary, and India were explored by missionaries of the Cross. Thus St. Louis dispatched to the Grand Khan of Tartary the friar William de Rubruquis, or Ruystrock (for he was a native of Brabant), and the Venetian Sanutus prepared, for the use of the Crusaders, a series of maps of the Asiatic shores of the Mediterranean. Jacques de Vitry also composed an history of the East, which he is said to have illustrated by a map of the world.

But to the Crusades, history is even yet more indebted than geography, for they gave birth to a new and admirable race of historians. Till then the political and military events of the world had been chronicled exclusively by monks, most of whom were as credulous as they were ignorant. There were not wanting such monkish narratives of the holy wars. Many have been published, and there is reason to suppose that many more even yet remain in MS. But in those great movements of the world, two French knights, Villehardouin and Joinville, were happily prompted by religion, by patriotism, and by loyalty, to record for the information of future ages the actions which they had themselves shared or witnessed. They might have found successful rivals in the Cardinal de Vitry and the Archbishop of Tyre, if, unfortunately, both of those great churchmen had not been too learned to employ their mother tongue on so solemn an occasion. The Latin of the ecclesiastics is reserved for the curious few. The antique and picturesque French of the military annalist is for all readers and for all generations. It is their peculiar honour to have been the founders of that literary school in whose works France is so pre-eminently rich; — a school of which Froissart, Philip de Comines, Sully,

D'Aubigné, De Retz, and St. Simon are the most illustrious ornaments;—and whose characteristic distinction it is at once to inlay the field of history with the most amusing and pathetic biographical incidents, and to cast over it all the warm glow of dramatic action.

It would be easy to prolong the examination of the various impulses which the Crusades gave to the growth and development of sound knowledge; but enough may have been said to indicate the general relation which subsisted between those expeditions and that result; nor can it be necessary to enter at all into either the proof or the illustration of the fact, that as art, and science, and poetry, and philosophy, and geography, and history flourished, Feudalism declined. Each new ray of light which shot across the gloom, disclosed more and more clearly to the seigneurs, the instability of their tenure of power, and to their serfs and free vassals the means by which they might vindicate their freedom. For of all the varieties of political institutes under which the nations of the earth have ever lived, the Feudal System is perhaps the only one which, during its existence, was sustained by no popular enthusiasm, and which, after its overthrow, was followed by no popular regrets. It was a protracted reign of terror; and, so far as I am aware, no trace exists, either in the lighter or in the more serious literature of the Middle Ages, of any sentiments having been entertained by the people at large towards the châtelains, the barons, and the seigneurs, under whom they lived, but such as terror invariably inspires. The writers of romance and poetry in our own age have found their account in depicting the brilliant spectacles which the society of Europe is supposed to have ex-

hibited in those warlike times; and in giving utterance to the patriarchal attachment and to the loyal reverence by which they have imagined the actors in those scenes to have been animated. When we deliberately enter Fairy Land, we, of course, expect to be greeted with fairy tales; but if we are willing to quit the world of fiction for the world of realities, we must acknowledge that Feudalism was nothing better than a stern, relentless, and unmitigated tyranny; the nearest approach which has ever been made in the Western world, and in the lands which Christianity has claimed for her own, to the blighting and heartless cruelty which divides and governs the nations of the East by the institution of separate and indelible castes. Feudalism, indeed, had its appointed office in the history and progress of Christendom. It was the discipline through which it was necessary for mankind to pass in their progress to social improvement and civilisation. The Crusades, guilty, insane, and wasteful as they were, had also their destined purposes to serve. Among them, not the least important was, that of bringing the feudal discipline to a close as soon as the office assigned to it had been accomplished.

But during the invasions of Africa and the East by the European world, there arose in the bosom of France itself another Crusade, teeming with results even yet more momentous in the constitutional history of that country. I refer to the war of the Albigenses, which issued in the conquest of Southern by Northern France, and in the addition to the domain of the French kings of all the sea coast and of all the rich territories which connect the Alps with the Pyrenees. On that subject I propose to enter when we next meet.

LECTURE VII.

ON THE ANTI-FEUDAL INFLUENCE OF THE ALBIGENSIAN CRUSADES.

HAVING in my last lecture considered the influence of the Crusades in elevating the French Monarchy on the ruins of the Feudal Confederation of France, I proceed to inquire how far the war against the Albigenses contributed to the same result? It was no common contest. It was a prolonged tragedy, enacted in a conspicuous theatre, by characters boldly contrasted with each other, and closing in a catastrophe which revealed, even to the most heedless spectators, the controling presence of that divine agency which alone imparts to human affairs their true, though mysterious, significance.

In passing from one epoch of the history of France to another, I have thus far, chiefly if not exclusively, endeavoured to throw light on each by commentaries rather than by narrative; assuming that they whom I have had the honour to address as my pupils were

already well apprised of those historical events to which I have had occasion to refer. But at the present stage of my progress I do not venture to rely on that assumption. For in most if not in all the histories of France the Crusade against the Albigeois appears and reappears at intervals so frequent yet so remote from each other, as to be destructive of all continuity of thought and of all distinctness of recollection on the subject; nor have I happened to meet with any unbroken account of those wars which gives a clear, exact, and compendious view of their origin, their progress, and their results. The following very rapid summary will not, indeed, supply that defect; but it will (I trust) enable me to render intelligible to all my audience, remarks which might otherwise convey no very definite meaning to some of the younger members of it.

At the accession of Philippe Auguste, the greater part of the South of France was holden not of him, but of Pedro of Arragon, as the supreme suzerain. To the Arragonese king belonged especially the counties of Provence, Forcalquier, Narbonne, Beziers, and Carcassonne. His supremacy was acknowledged by the Counts of Bearn, of Armagnac, of Bigorre, of Comminges, of Foix, of Roussillon, and of Montpellier; while the powerful Count of Toulouse, surrounded by his estates and vassals, maintained with difficulty his independence against him.

To these extensive territories were given the names sometimes of Provence, in the larger and less exact use of that word, and sometimes of Languedoc, in allusion to the rich, harmonious, picturesque, and flexible language which was then vernacular there. They who used it called themselves Provençaux or Aquitanians, to indicate that they were not French-

men, but members of a different and indeed of an hostile nation.

Tracing their descent to the ancient Roman colonists and to the Gothic invaders of Southern Gaul, the Provençaux regarded with a mixture of contempt, of fear, and ill will, the inhabitants of the country north of the Loire, who had made far less progress than themselves either in civil liberty, or in the arts and refinements of social life.

For the traditions of their ancient Roman franchises had never entirely died away amongst the people of Southern Gaul. Though often overrun by the Franks, under the two first dynasties, they had never been effectually subjugated; and Toulouse, Marseilles, Arles, Beziers, and many other of their greater cities, emulous of the Italian republics, with whom they traded and formed alliances, were themselves living under a government which was virtually republican.

Each of these free cities being, however, the capital of one of the greater lords among whom the whole of Aquitaine was parcelled out, became the seat of a princely and luxurious court. A genial climate, a fertile soil, and an active commerce, rendered the means of subsistence abundant even to the poor, and gave to the rich ample resources for indulging in all the gratifications which wealth can purchase. The enjoyments thus brought within their reach were eagerly seized and recklessly abused. They lived as if life had been one protracted holiday. Theirs was the land of feasting, of gallantry, and of mirth. But they were too great adepts in the joyous science they professed, to be satisfied with the delights of sense in their coarser and less sublimated forms. They refined and enhanced the pleasures of appetite by the pleasures of the imagination. They played with

the stern features of war in knightly tournaments. They parodied the severe toils of justice in their courts of love. They transferred the poet's sacred office and high vocation to the Troubadours, whose amatory and artificial effusions posterity has willingly let die, notwithstanding the recent labours of MM. Raynouard and Fauriel to revive them. Nor is any one who has looked into the works of those learned commentators ignorant, that the Chansons and Sirventes which charmed the courts of Toulouse and St. Gilles indicated a state of society such as never has existed and never can exist among men, except as the herald of great and of swiftly approaching calamities.

The imputations of irreligion, heresy, and shameless debaucheries, which have been cast with so much bitterness on the Albigenses by their persecutors, and which have been so zealously denied by their apologists, are probably not ill founded, if the word "Albigenses" be employed as synonymous with the words Provençaux or Languedocians. For they were apparently a race among whom the hallowed charities of domestic life, and the reverence due to divine ordinances, and the homage due to divine truth, were often impaired, and not seldom extinguished, by ribald jests, by infidel scoffings, and by heart-hardening impurities. Like other voluptuaries, the Provençaux (as their remaining literature attests) were accustomed to find matter for merriment in vices which would have moved wise men to tears.

But if by the word "Albigenses" be meant the Vaudois, or those followers (or associates) of Peter Waldo, who revived the doctrines against which the Church of Rome directed her censures, then the accusation of dissoluteness of manners may be safely rejected as altogether calumnious, and the charge of

heresy may be considered if not as entirely unfounded, yet as a cruel and injurious exaggeration.

In the unrestrained licence of speculation which invariably succeeds to such a revolt as theirs from ancient authority, many rash and dangerous theories have, as we too well know, been always hazarded; and it is, therefore, not reasonable to refuse all credit to the statement of the historians hostile to them, that, among the Albigenses, there were not wanting some who gave such scope to their fancy as almost to destroy the whole system of revealed truth. But from the same testimony we may infer, that these were the few exceptions, and that in general they anticipated and held the same doctrines which, after the lapse of three centuries, were to be promulgated by the Reformers of Germany and of England. Unless we will argue and agree with Bossuet, we must believe that the extravagancies of opinion which freedom of religious thought will infallibly generate in feeble or presumptuous minds, derogate nothing from the conclusions which, in the exercise of the same freedom, have been established by the more wise, devout, and teachable Reformers of the Church.

It was with deep foresight, and anxious forebodings, that Innocent III. was at this time watching the progress of the new-born spirit of intellectual independence amongst mankind. His immediate predecessors, in their struggle with the two Henrys and with Frederick Barbarossa, had disregarded, if they had not encouraged, it. But Innocent was incapable of temporising. Called in the vigour of his age to wield that unlimited empire over the minds of men of which Hildebrand had laid the foundations, he was conducted by a remorseless logic to consequences from which his heart must have

revolted, if it had not been hardened by the possession of absolute power, and inflamed by the indulgence of a morose fanaticism. For God had given him a mind not incapable of generous emotions, with an intellect large enough to comprehend, and a will sufficiently energetic to control, the widest system of human policy. While destroying the balance of power in Germany and Italy, menacing and contending with all the sovereigns of Europe by turns, directing the march of the Crusaders, overturning by their means the Greek empire at Constantinople, and pouring himself out in countless letters, of which nearly 2000 remain to us; he was still observing and punishing every dissent from the tenets of the Church of Rome, and, indeed, every exercise of the thinking faculty on religious subjects, with that boundless reliance on his own infallibility, which is the common basis of all persecution, and with that utter recklessness of human suffering, into which any man may be plunged by his malignant passions, when they assume the veil and the pretext of a seeming piety.

In the year 1207, Innocent had sent into Languedoc Peter of Castelnau as his apostolic legate. Twice had Castelnau required Raymond, count of Toulouse, the sixth of that name, to exterminate his heretical subjects with sword and fire; and twice, when dissatisfied with his zeal in that atrocious office, had he excommunicated him, and laid his dominions under an interdict. The wrong was aggravated by insults such as a feudal prince could not but regard with lively indignation, and such as the legate would not have hazarded except in the confidence inspired by the immunities of his sacred character. Yielding at last to the impulse of his wrath, Raymond, in an unhappy moment, exclaimed that he would make

Castelnau answer for his insolence with his life. The menace was heard by one of his attendants, who, following the legate to a little inn on the right bank of the Rhone, entered into a new and angry debate with him there, and at length plunged a poignard into his heart.

The victim was not a Thomas à Becket; the offender was not a Henry Plantagenet; but neither was the avenger an Alexander the Third. From the Papal chancery issued one bull after another absolving the subjects of Raymond from their oaths of allegiance, permitting every Catholic to assail his person; exhorting all men to assist in his destruction, and in the extermination of his heretical subjects; and promising to those who should take the Cross against the Provençaux, the utmost indulgence which had ever been granted to the champions of the Holy Sepulchre.

To that ignorant and superstitious generation no summons could have been more welcome. Danger, privations, and fatigue, in their direst forms, had beset the rugged path by which the Crusaders in the East had fought their way to the promised paradise. But in the war against the Albigenses, the same inestimable recompense was to be won, not by self-denial, but by self-indulgence. Every debt owing to man was to be cancelled, every offence already committed against the law of God was to be pardoned, and an eternity of blessedness was to be won, not by a life of future sanctity, but by a life of future crime; not by the restraint, but by the gratification, of their foulest passions; by satiating their cruelty, their avarice, and their lust, at the expense of a people whose wealth excited their covetousness, and whose superiority provoked their resentment.

From one end of Europe to another, but especially in the immediate neighbourhood of Languedoc, was therefore heard the din of martial preparation. Some of the writers of that age raise to half a million the number of the host which, in obedience to the voice of Innocent, gathered in three great armies, over each of which presided either an archbishop, a bishop, or a mitred abbot. The more reasonable estimate of Peter de Vaux Cernay reduces it to fifty thousand. Among the secular leaders of this sacred war were the Duke of Burgundy and the Counts of Nevers, St. Pol, Auxerre, and Geneva. But eminent above all the rest, for well proved courage and skill in arms, was Simon de Montfort, the lord of a petty fief near Paris, and earl of Leicester in right of his mother, an English, or Anglo-Norman, lady. It would be a kind of treason against our common humanity to doubt that there were still some links which attached to it the heart even of this cruel and perfidious Crusader. But in history he is depicted, even by his eulogists, as if existing among his fellow-men for no end but to excite their terror, and to justify their abhorrence. Of the ecclesiastical chiefs, by whose counsels or commands he was guided, the most conspicuous were St. Dominic and his brethren, who traversed the devoted land as the missionaries and the spies of Rome;—and Arnold Amalric, the papal legate;—and the monks of Citeaux, or Bernardins, whose peculiar province it was to preach the duty of engaging in this holy war;—and Foulques, or Fouquet, a monk, who ultimately rose to become the bishop of Toulouse. This man, who had earned in his youth a shameful celebrity by profligate amours, which he has himself celebrated in his still extant and most licentious verse, passed the evening of his life in stimulating

and conducting the massacre of the people, whose unhappy doom it was to have received him as the chief pastor of their spiritual fold.

Under the conduct of these captains and of these ecclesiastics, the mighty armament advanced along the valley of the Rhine. But the heart of Raymond quailed at the gathering tempest. He seems to have been a man of a gentle, kindly, and indolent disposition; whose unambitious aim it was to float quietly down the stream of life, receiving and imparting such pleasures as were to be had without any painful or perilous sacrifice; and yet really gifted with nobler powers; with courage, force and elevation of mind, which, though dormant under the enervating influence of his luxurious habits, were at length revealed for the first time to the world, and probably to himself, under the stern discipline of prolonged calamity. To avert the impending storm of papal indignation, he now humbled himself before Innocent, and his penitence seemed to be accepted. But Raymond was soon to learn how cruel are the tender mercies of a persecutor.

The conditions of his pardon were, that he should surrender seven of his best castles as a pledge of his fidelity; that he should submit himself to the future judgment of the papal legate on the charge of heresy; that he should do public penance for his past offences; and that he should then in his own person become a Crusader against his own subjects. Each part of this humiliating compact was fulfilled rigorously and to the letter. The Count appeared in the cathedral of St. Gilles with naked shoulders, and bearing round his neck a cord, either end of which was carried by a bishop. By their hands the scourge was laid upon his person, not as a mere humiliating ceremony, but

with hearty good will to the task, till, covered with blood, and in an agony of distress and shame, the unhappy Count of Toulouse was permitted to escape from his tormentors and from the vast crowd which had gathered to witness this almost incredible degradation of their suzerain lord. Nor was the vindictive soul of Innocent to be really propitiated even by this abasement of his enemy. "We counsel you with the Apostle Paul (I quote from a letter from the pontiff to his agents in Provence written at this time) to employ guile with regard to this count; for in this case it ought to be called prudence. We must attack separately those who are separated from unity. Leave for a time this Count of Toulouse, employing towards him a wise dissimulation, that the other heretics may be the more easily defeated, and that afterwards we may crush him when he shall be left alone."

In obedience to this atrocious policy, Raymond was, for the moment, left in such peace as could consist with such ignominies and with such sacrifices as his; and the tide of war, diverted from himself, was directed against his young and gallant kinsman, Roger, the viscount of Beziers. One after another the castles of Roger were abandoned, burnt, or captured; and then, at the bidding of the legate Amalric, and amidst the acclamations of the ferocious Crusaders, such suspected heretics as were found there were cast headlong into the flames. The chief strength of Roger consisted in his two great cities of Beziers and Carcassonne; but Beziers fell at the first assault. Pausing at the open gates, the knights inquired of Amalric, how they should distinguish the Catholics from the Heretics. "Kill them all," replied the legate. "The Lord will know those who are his." Fearfully

was the injunction obeyed. In the great church of St. Nicaise had assembled a vast multitude, in hope of finding a sanctuary in those hallowed walls. Not one of them survived the carnage. Another trembling crowd had sought protection in the church of the Magdalen. Seven thousand of their dead bodies were afterwards counted on the spot. The slaughter ceased at length from the mere want of new victims. Not one human being of those who so lately had thronged the marts and streets of Beziers remained alive. When the booty had been withdrawn, the Crusaders set fire to the city, and the blackened ruins of Beziers alone long stood there a dismal monument to the memory of her former inhabitants.

From Beziers the triumphant host advanced to Carcassonne. There Roger commanded in person, and sustained the siege with admirable constancy, until, in reliance on a safe-conduct from the legate and lords of the army, confirmed by their oaths, he visited their camp, proposing there to enter into a conference and negotiation with them. But with so formidable an heretic, faith was not to be kept. Amalric caused him to be arrested and given into the charge of De Montfort. From that custody he was not long afterwards delivered by death; nor did any one doubt that he died by violence. Carcassonne, abandoned by her garrison, was then entered by the Crusaders, and the princely heritage of the Viscount of Beziers remained at the mercy of the conquerors. By the legate, and two bishops, and as many knights whom he associated with them, it was conferred on Simon de Montfort, on the condition of his rendering an annual tribute to the pope, as liege lord of the conquered territories. The curtain then fell on the first act of this sanguinary drama.

The conquest of the viscounty of Beziers had rather inflamed than satiated the cupidity of De Montfort, and the fanaticism of Amalric and of the monks of Citeaux. Raymond, count of Toulouse, still possessed the fairest part of Languedoc, and was still suspected or accused of affording shelter, if not countenance, to his heretical subjects. To escape the power of his terrible accusers, he took refuge in Rome itself, and there implored the protection and favour of the sovereign pontiff. His reception was encouraging and even gracious. Innocent absolved him provisionally, but referred him to a council to be holden in Provence by the legates, who, with the aid of that synod, were finally to hear and decide the charges still impending over him, of heresy, and of participation in the murder of the legate, Castelnau. To assist at that council, the pope dispatched Theodise, a Genoese monk, of whom, in the history of Peter de Vaux-Cernay, the panegyrist and vassal of De Montfort, we read as follows: "He was a circumspect man, prudent, and very zealous for the affairs of God; and he desired above all things to find some pretext of right to refuse the count that opportunity of justifying himself, which Innocent had granted him." Such a pretext was easily found; and the count was informed by his judges that his defence could not be received. On hearing this ominous intelligence he burst into tears; when, in imitation of the words, though neither in the meaning nor the spirit of the Psalmist, Theodise contemptuously exclaimed, "Thy tears extend not unto the Lord." The unhappy Raymond was then again excommunicated from the Christian Church, and his dominions offered as a reward to the champions who should execute her sentence against him.

To earn that reward, De Montfort, at the head of a new host of Crusaders, attracted by the promise of earthly spoils and of heavenly blessedness, once more marched through the devoted land, and with him advanced Amalric. At each successive conquest, slaughter, rapine, and woes, such as may not be described, tracked and polluted their steps. Heretics, or those suspected of heresy, wherever they were found, were compelled by the legate to ascend vast piles of burning faggots, and, in the name of the Redeemer of mankind, were presented to Him who is Love, sacrifices infinitely more atrocious than had ever been offered on the foulest altars of Moloch. At length the Crusaders reached and laid siege to the city of Toulouse. It was already the scene of intestine war. Fouquet, who was now the bishop of it, had organised there a band called the White Company, who were pledged to the destruction of their heretical fellow citizens. To them had been opposed another band, called the Black Company, composed of the adherents of the count. Throwing himself into the place, Raymond united both the hostile companies in his own service, and by their aid succeeded in repulsing De Montfort and Amalric. It was, however, but a temporary respite, and the prelude to a fearful destruction. From beyond the Pyrenees, at the head of 1000 knights, Pedro of Arragon had marched to the rescue of Raymond his kinsman, and of the Counts of Foix and of Comminges, and of the Viscount of Béarn, his vassals; and their united forces came into communication with each other at Muret, a little town which is about three leagues distant from Toulouse. There also, on the 12th September, 1213, at the head of the champions of the Cross, and attended by seven bishops, appeared Simon de Montfort in full military array. The battle which fol-

lowed was fierce, short, and decisive. A Spanish knight, who on that day wore the armour of his king, was bending beneath the blows of his assailants, who were heard to cry out, "this cannot be the gallant knight, Don Pedro of Arragon." "Don Pedro is here," exclaimed the generous monarch, as, flying to the rescue of his officer, he threw himself into the thickest of the fight. Closing round him, his enemies bore him to the earth, and Don Pedro was numbered with the slain. His army, deprived of his command, broke and dispersed, and the whole of the infantry of Raymond and his allies were either put to the sword, or swept away by the current of the Garonne. Toulouse immediately surrendered, and the whole of the dominions of Raymond submitted to the conquerors. At a council subsequently held at Montpellier, composed of five archbishops and twenty-eight bishops, De Montfort was unanimously acknowledged as prince of the fief and city of Toulouse, and of the other counties conquered by the Crusaders under his command. Overwhelmed by his misfortunes, and by the censures of the Church, Raymond offered no opposition to this sentence. Having resigned the palace of his ancestors to Fouquet, who came with an armed force to take possession of it, he retired into an obscure, and, as he vainly hoped, an unmolested privacy. And thus terminated the second stage of the war of the Albigenses.

The conquest appeared to be complete, but the conquerors were now to reap the bitter fruits of a triumphant injustice. Amalric and De Montfort each claimed the dukedom of Narbonne; the legate insisting that the ducal crown was inseparable from the archiepiscopal mitre; the new Count of Toulouse asserting, that the feudal sovereignty of Narbonne

had become a forfeiture to himself, as the suzerain lord of that province. The crusader, therefore, invaded the prelate, and the prelate excommunicated the crusader. Though not directly interposing in this strife, the Pope had learned to regard with jealousy the formidable power which he had so largely contributed to create; and in the year 1215 he convened the twelfth of the œcumenical, and the fourth of the Lateran, councils, in order to bring to an end the Crusade against the Albigenses, and finally to dispose of the conquered territories. At that great synod appeared Count Raymond, attended by his son, who was afterwards distinguished by the title of Raymond VII. Prostrating themselves before the assembled fathers of the Church, the princes recounted the wrongs which had been inflicted on them by De Montfort, and the enormous cruelties of Fouquet, whom they denounced as the destroyer of more than 10,000 of the flock intrusted to his pastoral care. Nor were their complaints unheeded. Some pity seems to have touched the heart of Innocent, who not only absolved Raymond VI., but (if some of the writers of that age be well informed) privately encouraged the younger Raymond to attempt the recovery by arms of the heritage of his house. Some remorse seems also to have visited the members of the council, who reserved for Raymond VII. the countship of Venaissin and the marquisate of Provence, and replaced the Counts of Foix and of Comminges provisionally in possession of their estates. But neither the Council nor the Pope could resist the other claims of De Montfort. They assigned to him the rest of the countries he had conquered; and Philippe Auguste, acquiescing in this sentence, granted to him the investiture of the

countships of Toulouse, of Beziers, and of Carcassonne, and of the dukedom of Narbonne. And thus, for a moment, Simon de Montfort reposed in seeming security on the throne to which he had waded through seas of blood. This repose, however, was but momentary.

The termination of the Crusade by the sentence of the Lateran Council had deprived De Montfort of all support, except from his own unaided resources. But the abhorrence of his cruelties, and the attachment to their hereditary sovereigns, which animated the whole population of Languedoc, threw resources of far greater importance into the hands of the two Raymonds. One revolt of the citizens of Toulouse had been detected by the perfidious falsehood of Fouquet, and punished with all his relentless cruelty. But on the appearance beneath their walls of some recruits from Spain, commanded by the Raymonds, fear and every other emotion gave way to the enthusiastic joy with which the people welcomed back their ancient lords to the house and the dominion of their ancestors. A sudden insurrection overwhelmed the soldiers and partizans of De Montfort, and again the standard of the house of St. Gilles waved above the palace and the ramparts of Toulouse. The knights and commons of Languedoc eagerly rallied under it; and De Montfort was now once more to undertake the conquest of the territories which he had so dearly won and so unexpectedly lost. He commenced it by laying siege to Toulouse. On the 25th of June, 1218, he knelt at the high mass which the priests in attendance on him were celebrating, in a church in the suburbs of the city. At the moment of the elevation of the host, a loud shout announced that the besieged had made a sally, and

were attacking an enormous wooden tower which he had erected for their destruction. Vaulting on his feet, De Montfort, in the words of Simeon, exclaimed, "Lord, now lettest thou thy servant depart in peace, for my eyes have seen thy salvation;" and flying towards the tower, placed himself at the head of his veterans, and with all his former gallantry repulsed the assailants. At that moment a fragment of a rock, launched from a machine on the city walls, stretched him lifeless on the ground. The siege was raised. In tumults of exultation, Toulouse hailed Raymond as her lawful, and now her undisputed, sovereign; and the third act of this eventful drama was completed.

Innocent III. was now dead, and the papal throne was occupied by the third Honorius, who ill brooked the triumph of those whom he had so long abhorred as the enemies of the true faith, and as outcasts from the Church. Louis, the son of Philippe Auguste, had once already laboured to ensure his eternal welfare by conducting a crusade against the Albigenses. To him, therefore, Honorius assigned half of the funds which had been raised for the support of the Eastern Crusade, on condition of his renewing the same sanguinary, but too welcome, warfare. Assisted by Amaury de Montfort, the son and heir of Simon, Louis accordingly invaded Languedoc, and, at the head of a large army, once more laid siege to Toulouse. But the leaguer even of the heir to the crown of France proved unequal to so arduous an enterprise. The city was valiantly defended by the younger Raymond. The faith in the saving efficacy of the slaughter of heretics was dying away in those parts of France from which the monks of Citeaux had hitherto drawn their most effective levies, and

the new papal legate could discover no other resource than that of creating a new fraternity, called the order of the Holy Faith, the members of which were bound by solemn vows to employ their utmost powers for the destruction of all heretics rebelling against the Church and against Amaury de Montfort. Even this device proved ineffectual. The war languished. Louis returned to France. The elder Raymond died, leaving the defence of his states to his son, then in the vigour of his age and hopes. Philippe Auguste also died, leaving his crown to Louis, who in vain contributed supplies of men and money for the subjugation of Raymond VII. In the month of January, 1224, the younger De Montfort, despairing of success, finally abandoned Languedoc, and bartered his hereditary rights to his father's conquests there for the office of constable of France, which was granted to him by Louis VIII. as the price, or equivalent for them. And thus, at the close of several campaigns, signalised by no martial achievements, and memorable for no signal occurrences, Raymond, the seventh count of Toulouse, of the family of St. Gilles, found himself in possession of the dominions of his ancestors, with no antagonists to dread except the monarch to whom he was eager to do homage as his suzerain, and the pontiff to whom he was resolved to refuse no concession which might propitiate the offended majesty of papal Rome. And thus, at the end of the fourth act of this protracted strife, the scene presented an unwonted prospect of approaching repose.

It was, however, an illusive prospect. In the year 1225, Honorius convened at Bourges a provincial council, which enjoined Louis VIII. to purge the land of heretics, and assigned to him for that

purpose, one-tenth of the whole ecclesiastical revenues of France during the next five years. Louis accordingly took the Cross, and, attended by a large number of his barons and their followers, advanced once again to devastate the territories of the Languedocians, and to exterminate all heretics among them. This was the first time that the banner of a king of France had been unfurled in these Crusades. The hearts of the people sunk within them. They were so worn out by repeated invasions, their country had so frequently been laid desolate, the bonds of society among them had so often been torn asunder, and they had so repeatedly endured all the horrors of war in all their most fearful forms, that the barons, knights, and communes of Languedoc, with one accord, hastened to avert, by timely concessions, the threatened renewal of these intolerable calamities. All seemed lost to the cause of Raymond, when again the mighty innovator, Death, interposed to postpone the impending ruin of that princely house. In November 1226, Louis VIII. fell a victim to a contagious disease, which had swept away 30,000 of his soldiers. His son was yet an infant, and the regent of France was a woman. But that infant was, under the title of Louis IX., to become the most illustrious of all the kings and of all the saints of France; and that woman, Blanche of Castile, was alone of all the females who have been called to the regency of that kingdom, to vindicate by her policy her title to so high and arduous a trust. By her orders the siege of Toulouse was resumed.

Fouquet, the evil genius of the place, suggested to the besiegers the only means of a successful attack on the people over whom he had been appointed to be overseer. By his advice, the whole of the adjacent

country was converted into a desolate wilderness, till Toulouse remained in the centre of a desert, from which no supplies of any kind could be procured. The spirit of Raymond himself gave way when this new vial of wrath was poured out on his devoted country; and in April, 1229, he signed the treaty of Paris, by which he abdicated all his feudal sovereignty to the king of France, a small territory only being excepted as a dowry for his daughter, the heiress and last representative of his race.

The unhappy father himself was conducted to the church of Nôtre Dame, at Paris, and there underwent, from priestly hands, the same public and ignominious discipline which the sixth Raymond had endured at the church of St. Gilles.

Yet another woe, and the chronicle of these tribulations closes. In little more than six months from the cession of Languedoc, a council held at Toulouse established the Inquisition, for the conservation of the true faith and the punishment of heresy among the Languedocians.

Gradually bowing the neck to this foreign yoke, and to this judicial despotism, they at length submitted to their fate. In the year 1242, Louis and Raymond VII. formally ratified the treaty of 1229, and the kings of France saw their domain extended over all the Mediterranean shores, and along the fertile regions which connect the western declivities of the Alps with the eastern slopes of the Pyrenean range.

The Church of the Albigenses had been drowned in blood. Those supposed heretics had been swept away from the soil of France. The rest of the Lan-

guedocian people had been overwhelmed with calamity, slaughter, and devastation. The estimates transmitted to us of the numbers of the invaders and of the slain, are such as almost surpass belief. We can neither verify nor correct them; but we certainly know, that, during a long succession of years, Languedoc had been invaded by armies more numerous than had ever before been brought together in European warfare since the fall of the Roman empire. We know that these hosts were composed of men inflamed by bigotry, and unrestrained by discipline, — that they had neither military pay nor magazines, — that they provided for all their wants by the sword, living at the expense of the country, and seizing at their pleasure both the harvests of the peasants and the merchandise of the citizens. More than three-fourths of the landed proprietors had been despoiled of their fiefs and castles. In hundreds of villages, every inhabitant had been massacred. There was scarcely a family of which some member had not fallen beneath the sword of De Montfort's soldiers, or been outraged by their brutality. Since the sack of Rome by the Vandals, the European world had never mourned over a national disaster so wide in its extent, or so fearful in its character.

Yet they by whom these crimes were committed were not demons but men. They were children of our common father, — members of the great human family to which we belong, — our very brethren, — but brethren destitute of the advantages which we possess, and exposed to temptations from which we are exempt. In their actual guilt we have the measure of our own possible criminality. As long as the records of our race shall exist, so long will De Montfort and his followers remain as a beacon admonishing

mankind of the depth of the iniquities into which they may be plunged by the indulgence of the spirit of fanaticism.

Theirs was no uncommon illusion. They could not perceive the deformity of their own evil passions, because they had been kindled by what they regarded as praiseworthy and as holy purposes. Their rancorous hatred of a rival nation passed with them for patriotism. Their extermination of an heretical people appeared to them but as the outbreak of a devout zeal. They persuaded themselves that they were securing the divine favour by habitually violating the most sacred of the divine commands. They thought that they were ripening for the beatitudes of heaven by doing, on earth, the very work of hell. They knew not, or heeded not, the canon which requires us, on all questions of duty, to try our conclusions, not less than our premises, by the law of our Creator. They blindly pursued to all its most revolting consequences a solitary and ill-apprehended principle, trampling down in their progress every other conflicting principle which God has written in his word, or has inscribed in the hearts of his rational creatures.

In that word, for the warning of mankind in all ages, inspired historians and prophets have traced and interpreted the connection which subsisted between the offences of the chosen people and the calamities which from time to time overwhelmed them. No such voice has been raised to solve the corresponding enigmas of the history of the world in modern times. But the march of a retributive providence among men has not really been arrested. That our world rose into being by the volition of an omnipotent Creator, is scarcely more evident than that the events of it

are controlled by the wisdom of an omniscient Ruler. Reverently to trace out his steps by the lights which He has himself afforded us is no presumptuous attempt. It is assuredly not the least important of the ends which a wise man proposes to himself in reviewing the annals of our race. Such judgments, indeed, it is not permitted to us to form with regard to particular men, because their responsibility reaches beyond the grave. The indignation which swells the bosom against the leaders of the Albigensian Crusades, is subdued by the remembrance that their sentence is with their judge. But we may more safely decipher the scroll of Providence in its dealings with communities or nations, whose corporate existence is confined within the narrow precincts of this sublunary state. The abhorrence with which we contemplate the conduct of the powers and populations who carried on these atrocious wars, and the satisfaction with which we regard their righteous punishment, are feelings which we may reasonably indulge.

The fearful visitation fell, indeed, with the most withering severity on the Provençaux themselves. The flood swept away the princely house to which their allegiance had so long been rendered, and with it their national independence, their civic franchises, their commercial prosperity, their gallant chivalry, their tournaments, their courts of love, their minstrels, and their troubadours. The tabret, the viol, and the lute were no longer in their feasts. The voluptuous dance was ended. Wealth was no more tributary to the refinements of art, nor art to the embellishment of social life among them. They hung up their harps and sat down and wept over the departed glories of their native land. If, when those glories were in their noontide splendour, there had arisen up among them

a Seer, gifted by his knowledge of the annals of mankind to divine the approaching dispensations of the Supreme Ruler of men, he would assuredly have foretold the coming desolation. He would have remembered that neither in sacred nor in profane history,—neither in the monarchies of the East, nor in the free commonwealths of the Western world,—neither in Egyptian, Grecian, Roman, Italian, Saracenic, or any other chronicles,—could an exception be found to the law which dooms to ruin any people who, abandoning the duties for the delights of this transitory state, live only in the frivolities of life, and find only the means of a dissolute and emasculate self-indulgence in God's best gifts to man — in wealth, and leisure, and society,—in erudition, and art, and science,—in literature, and philosophy, and eloquence,—in the domestic affections which should bless our existence,—and in the worship by which it should be consecrated. From the voluptuousness of the intellect, the transition has ever been short and certain to the tyranny of the appetites. They to whom the education of the young is intrusted will seldom be unobservant or unconscious of this danger: nor in our own land and age will they, I trust, ever be wanting in efforts to counteract it. Among the many titles of this our own illustrious seat of learning to our reverence and our love, there are few, if any, higher than the resistance she opposes to all luxurious trifling with the great subjects of her academical instruction, and the habitual elevation of her standards of excellence to heights which can be scaled only by men of lofty purposes and of strenuous self-denial.

But in the ruin of that rich and self-indulgent people fell also those who had raised the earliest protest which modern Europe has heard against the

superstitions, the errors, and the spiritual despotism of Papal Rome. Their fate may, perhaps, seem to raise a more perplexing problem. The natural regret that the Reformation was thus postponed till after the lapse of three more centuries of mental darkness, may possibly not be quite unmixed with surprise, that such should have been the decree, or such the permission, of the Divine Providence. But "the Holy Church throughout all the world" has ever contemplated the sufferings of her noble army of martyrs, not with repining, but with gratitude and exultation. In implicit faith she has ever committed the times and the seasons to Him to whom alone their maturity can be known. Yet even to our contracted vision it is evident that, without a miraculous change in the whole economy of the world, and in the entire system of human life, the reformation of the Church could not have been successfully accomplished by the ministry of the Albigenses. The mind of man had not as yet passed through the indispensable preliminary education. The Scholastic philosophy, extravagant as may have been some of its premises and some of its purposes, had yet a great task to accomplish; the task of training the instructors of the Church in the athletic use of all their mental faculties. Philology, and criticism, and ecclesiastical antiquity were still uncultivated. The Holy Scriptures, in their original tongues, were almost a sealed volume to the scholars of the West. The vernacular languages of Europe were unformed. The arts of printing and of paper making were undiscovered. Such an age could neither have produced or appreciated a Wickliffe or a Huss. Still less could Melancthon, or Luther, or Calvin, or Beza have borne their fruit in such times, if such men had then been

living. Above all, the world, as it then was, could no more have fostered minds like those of Cranmer or Ridley, of Jewell or Hooker, than it could have trained up chemists to rival Cavendish, or mechanists to anticipate Watt. If the Albigenses had succeeded in their designs, — if they had reclaimed the nations from the errors of Rome, — they must infallibly have substituted for her despotism, an anarchy breaking loose from all restraints, divine and human — an anarchy far exceeding, in presumptuous ignorance and audacious self-will, the wildest of the sects which perplexed and disgraced the Reformation of the 16th century.

That despotism had then reached its noontide splendour; and, bewildered by the infatuation of that giddy height, was about to fulfil an immutable law of human society, by rapidly falling from it. The Papacy had risen to a more than imperial power. It had attained a dignity eclipsing that of the proudest of the Cæsars. It enjoyed a wealth which could be emulated only in the fabulous East. To avenge the assassination of her legate Castelnau — to assert her own insulted majesty — and to arrest the growing revolt of mankind from her authority, — she had desolated the fairest regions of France by every plague which tyranny can inflict, or which the victims of it can undergo. Blinded by revenge, by haughtiness, and by fear, she forgot that, by crushing the Provençaux, she was raising up to herself an antagonist with whom she could neither live in peace, nor contend on equal terms. Scarcely had the Church of Rome brought the great province of Languedoc under the allegiance of the king of France, when he promulgated the Pragmatic Sanction, which established what have ever since been called the "liberties of the

Gallican Church." During the two succeeding centuries the bishops of Rome had to sustain, from the successors of St. Louis, a series of indignities fatal to their moral influence, and a succession of open hostilities which menaced the entire destruction of their political power. In the person of Boniface VIII. the Papacy was compelled, by Philippe le Bel, to drink deeply of the cup of humiliation which it had so often mixed for the secular powers of Europe. From 1305 to 1377 the Popes were little more than vassals of the French monarchs at Avignon; and, from that time till 1417, the Papacy itself was rent asunder by the great schism. The edifice of their greatness then received at Constance, Basil, and Pisa those rude shocks under which the Reformation of the 16th century found it still trembling. From the days of Hildebrand to the end of the war against the Albigenses, the dominion of the Papacy had been progressively acquiring consistency and strength. From the end of that war to the days of Luther, it was progressively losing its hold on the affections and reverence of the world. It crushed a feeble antagonist in Raymond and his house; but it raised up irresistible adversaries in Louis IX. and his successors. It exiled from Languedoc all the Waldenses who escaped the sword; but it drove them to testify, through every part of Christendom, against the cruelties, the superstitions, and the errors of their persecutors. It silenced the open avowal of dissent from the creeds and the pretensions of Rome; but it sent to the utmost limits of Europe men whose hearts burnt with an unquenchable indignation against her falsehoods and her tyranny. As was her crime, such was her punishment.

In that crime the barons and the commonalty of

France were the chief agents. But in the perpetration of it, they were also the destroyers of their own personal, political, and social privileges. The dominions of the Count of Toulouse and of the King of Arragon, north of the Pyrenees, were added to the French Crown immediately after the conquest by Philippe Auguste of the continental dominions of the sons of our Henry II. The coasts of the Mediterranean and the Atlantic simultaneously acknowledged the sovereignty of the Capetian race. Strong in this great accession of power they rapidly overthrew the Feudal Confederation at whose cost, and by whose arms, they had acquired it. The great, but now helpless, Feudatories were subjected by Louis IX. to the judicial supremacy of the Crown. Philippe le Bel imposed on them those fiscal burdens which soon ripened into legal dues. The consequent substitution of hired armies for the military service of the feudal vassals, completed the extinction of the baronial power. The fall of it commenced with the improvident and short-sighted animosity, national and religious, which, thirsting for the extermination of a rival people, elevated over the conquerors themselves an irresponsible domestic tyranny. They were the eager executioners of the murderous decrees of Rome against the Albigenses, and thus became the suicidal destroyers of their own fortunes, powers, and independence. They grievously abused the trust committed to them by the Supreme Ruler of the world, and, by his equitable retribution, that abuse was rendered the instrument of their own ruin.

The kings of France regarded the destruction of the counts and other feudal lords of Languedoc and Provence first with indifference, and then with complacency; for the more powerful of them were Arra-

gonese, and not French subjects, and the allegiance to the Crown of France which the Count of Toulouse acknowledged was at best equivocal and precarious. When the war at length finally transferred all those great fiefs to St. Louis, that prince, upright and magnanimous as he was, could not but exult in so vast an increase of the dominion which he was to transmit to his posterity. That augmented power conducted them, it is true, to a despotism, which, without it, they could probably never have attained. But if some prophetic intimation could have disclosed to St. Louis the long succession of woes which both the sovereigns and the people of France were to reap from that despotic authority, his exultation would have been checked by that fearful prospect, and his piety would have deprecated a gift at once so brilliant and so calamitous.

I have neither found nor sought the guidance of philosophy, moral or political, in this brief attempt to trace out the retributive march of Providence in this melancholy episode of the history of France. I have been dwelling on truths familiar to the youngest of my hearers, and familiar, it may be, even to satiety. Perhaps I have been encroaching on the province of those from whom, and from whom alone, it is the common duty and privilege of us all in this place to receive any public lessons on the obligations which Religion inculcates, or on the doctrines which she reveals. If so, I hope to be forgiven an error into which I have been almost irresistibly drawn, and which I am not likely to repeat. But having to address myself to many who did not see the first dawn of life till long after I had reached the meridian of it, I have been unable to decline the opportunity which this hasty review of the Crusade against the

Albigenses has afforded me, of reminding them of a truth as weighty as it is familiar. It is the truth that, in the whole system of human affairs, "the Lord God omnipotent reigneth"—that our free will is the inevitable, because it is the appointed, minister of the Divine will—that to render that ministration cheerfully and with a ready mind is our highest attainable good,—and that to render it in opposition to our desires and purposes, is too often at once our unhappy doom, and our well-merited punishment.

The modern science of Sociology, however, entirely rejects and overrules this, or any similar, interpretation of the sequences of historical events. If it be conceivable that any accident has this morning brought into this Hall any one of the doctors of that school, I shall have been provoking, and must endure, the contempt in which it is their habit so largely to indulge towards those who are less "advanced" than themselves. They divide their fellow-men into two classes, to one of which—the Sociologists—they appropriate the distinctive name of "thinkers," leaving to the rest their choice of any title which shall exclude and negative that enviable designation. The dissent from their doctrines of any one who does not sociologise—that is, who does not "think"—must of course, therefore, appear to them utterly unimportant, whether his voice be raised in the university of Francis Bacon, or in the academies of Timbuctoo. Now although the superciliousness of men of genius may occasionally expose them to some dislike, they are always safe from retaliation. No man unarmed with the triple brass of ignorance, of presumption, and of self-conceit, would suppose himself entitled to speak, or to think, lightly of a science invented by M. Comte, expounded by

Mr. Mill, and adopted and illustrated by Mr. Grote. It is with profound respect for those great names, and with a corresponding anxiety for my own credit in dissenting from them, that I request your attention to the motives which have forbidden me to enlist under their banners. And, first, let us endeavour to ascertain what this new doctrine really is?

M. Comte, as translated or interpreted by Mr. Mill, informs us that, "on every subject of human inquiry, speculation has three successive stages; in the first of which it tends to explain the phenomena by supernatural agencies, in the second, by metaphysical abstractions, and, in the third or final stage, confines itself to ascertaining their laws of succession or similitude." Those conclusions at which man arrives in this third, or final, stage of the progress of his inquiries are designated as "positive," in contradistinction from those speculative or hypothetical views to which alone man can attain in his road thither. By thus pointing out the way of ascent to the "positive," M. Comte and his disciples have, as we are further informed, "let in a flood of light upon the whole course of history."

It much concerns us, therefore, in all our historical inquiries, to know what the "positive" really is, and to learn how we may ascertain, by means of it, "the laws of succession and similitude," as they obtain amongst the political or social occurrences of the world through which we are passing. For our assistance in those inquiries, Mr. Mill has supplied us with some comprehensive canons.

First. We learn that "all phenomena of society are phenomena of human nature, generated by the action of outward circumstances upon the mass of human beings."

Secondly. We are instructed that, as the phenomena

of human thought, feeling, and action are subject to fixed laws, the phenomena of society also cannot but conform to fixed laws, the consequences of the preceding.

Thirdly. The reason why the operation of the fixed laws of human nature on man as a member of society cannot be ascertained with absolute precision, or announced with perfect confidence, is, it appears, not that the laws themselves are fluctuating, but that the circumstances under which they act are indefinitely numerous, complicated, and dissimilar. The astronomer can predict coming sidereal events with certainty, because he reasons upon fixed laws and upon but few data. The Sociologist can pronounce no such political predictions, not because the laws of his science are unfixed, but because the multitude of the causes to be taken into his account disturb and defeat all his calculations. But, though he cannot attain to an amount and distinctness of knowledge sufficient to make him a prophet, he may, we are told, attain to knowledge enough to make him a trustworthy guide. It may, therefore, be interesting to you to know, that it is "a notion current amongst the more advanced thinkers" that, under such guidance, we may "proceed on Baconian principles" to "look forward into the history of the human race, and to determine what artificial means may be used to accelerate the natural progress as far as it is beneficial, and to compensate for whatever may be its inherent inconveniences or disadvantages."

It appears, however, that "Baconian principles," when grasped at by the unskilful or the unwary, are apt to conduct them, not to the terra firma of sound knowledge, but to the fog-banks of empiricism. Some, as we are admonished, wish to deal with the history

of the past in order to infer from it the events of the future, as the chemist deals with the substances in his retort or crucible. But such inquirers forget that they can make no artificial experiments on society like those to which he subjects his metals or gases. They cannot interrogate nature as he does. They can reason only from instances presenting themselves spontaneously; and no two such instances make any such approach to identity as to enable the Sociologist to ascertain from the comparison of them, what are the real and active causes of the similarity or the dissimilarity of the results which he observes.

The Baconian investigator, as we are further reminded, will not less surely lose his trouble if he applies himself to his task in the spirit of a mechanical philosopher, when calculating the lines which will be described on any given area by a body impelled in certain directions by one or more known forces, whether opposed or unopposed by counteracting forces of the same kind. For example, he will miss his way if he shall assume the existence of any "universal precepts," according to the breach or observance of which will be the future development of the fortunes of any people. Or if he should undertake to divine what is about to happen from the accordance, or the want of accordance, of the members of any commonwealth to any theory of human society,—such as that of an original contract,—his divinations will be nothing worth. Neither will he speculate with any truth or plausibility on coming events, if he proceeds on the hypothesis that any social polity is actuated by some solitary principle,—whether, according to Hobbes, that principle be fear, or whether, according to Bentham, it be the desire which animates every man to the pursuit of what he esteems as his highest private and worldly interests.

All these are merely empirical or conjectural laws, not the laws of nature, which are identical with the laws of human society. They are but so many vain attempts to compress the infinite variations of things, as they really exist, within the narrow grasp of a premature and gratuitous generalisation.

How then are we to rise to the region of the "positive," and thence to survey the approaching future? That great task, as we learn, is to be accomplished by the use of what, in the logical style, is called "the concrete deductive method." The Sociologist studies the nature of man. He investigates human motives, psychological and ethological. He examines the tendencies of such motives as they are in themselves. He examines those tendencies as they have actually manifested themselves in social life. Having thus studied the nature of man, of his motives, and of his past history, he next informs himself of the actual condition of any given state of human society. He then applies himself to estimate and anticipate the probable results of any contemplated measure on that state of society, as such results may be expected to flow from the working of those motives the tendencies of which he has so studied. He does not, however, rush to any premature conclusion as to any such anticipated results. Awaiting the actual catastrophe, he observes how far there is any real "consilience" between his expectation and the event. If there be no such agreement between them, he modestly infers that there was some fatal error, either in his reasoning, or in the premises on which he reasoned. But if there be the anticipated "consilience," then he rejoices in the consciousness of having grasped one of those positive laws according to which the earlier of

two given states of society produces the later state which succeeds to it, and takes its place.

Now if, as I believe, this is substantially an accurate account of the system of historical inquiry which is distinguished from all others as the "positive," it seems to me to provoke some censures, which, not even the profound respect I have most sincerely avowed for its most eminent patrons will induce me to suppress.

First, then, one is constrained to marvel at the zeal which celebrates the discovery of that system in such lavish terms of applause. Instead of being inclosed within the royal domain of science for the use and glory of a little knot of philosophers, might it not as well have been left, where assuredly it was found, in the open fields of speculation, for the behoof of all who have right of common there? There were brave men before Agamemnon; and a countless host of "thinkers" about history were making use of the "concrete deductive method" before the appearance of M. Comte to inculcate, or of Mr. Mill to explain, the practice of it. We have not far to look for examples. Open any speculative treatise on government, from the days of Aristotle to those of Montesquieu, and you will find innumerable instances of that modest wisdom which advises the adaptation of the measures of the lawgiver to the general tendencies of human motives, and which suggests a careful inquiry into the actual coincidence of the theory and the result. Take down any one at hazard of the ponderous volumes of our statutes at large, and you will find our English legislators declaring it expedient to frame one enactment after another, by each of which they at least designed to introduce such innovations as, according to the

supposed tendencies of men's nature, would, as they believed, produce beneficial effects on the social state of the people of England. Nay, in many of those statutes, our Parliament (speaking prose without being aware of it) made the operation of the new law temporary and experimental, that, before they advanced further, they might see how far there was any real "consilience" between their expectation and the event. It is one thing to interpret, another to invent. He who first interpreted the law according to which arches sustain a vast superincumbent weight, did good service; but he was not the inventor of the arch. That praise belonged to the stonemason. M. Comte may be the first didactic writer about the "positive;" but it was among the most established of all intellectual crafts long before he arose to take his seat on the dialectic throne.

The "positive" system of historical investigation is, therefore (as it seems to me), far more important on account of what it interdicts, than on account of what it prescribes. But its prohibitions rest on a basis which itself demands no little support. For:—

Secondly; it may readily be admitted, that all the phenomena of human thought, feeling, and action are subject to fixed laws; and, if so, it may consequently be admitted that all the phenomena of society must conform to such laws,—for law and order are of the very essence of Him in whom collectively, as well as individually, we live, and move, and have our being. But it is *not* readily admitted that the chief difficulty of foretelling the operation of those laws in any particular cases results from the vast number and the endless variety of the circumstances and the aspects under which the members of any society are always acting, and must at any given time be con-

templated. The difficulty is, in my own judgment, far more to be ascribed to our inability to ascertain what many of the most important of the laws of our common nature actually are.

In the words of Agur, the son of Jakeh, "There be four things which are little upon the earth, but they are exceeding wise. The ants are a people not strong, yet they prepare their meat in the summer. The conies are but a feeble folk, yet they make their houses in the rocks. The locusts have no king, yet they go forth all of them by bands. The spider taketh hold with her hands, and is in king's palaces." If we study the polity of any of these "exceeding wise" people, we can attain to a prophetic vision of their course of conduct in any conceivable contingencies of their respective commonwealths. The almighty Author of their being has laid bare to our inspection the laws by which it is governed, and we calculate with certainty on the operation of them. Has any such disclosure been made to men of the laws which govern themselves collectively, or to any individual man of the laws by which he himself is governed?

What is this ceaseless and almost irresistible influence of our material organism upon the soul which thinks, and feels, and wills within us? What is this fatal predominance of the worthless present over the inestimable future? What mean and whence come all these gradations from the phrenzy of the maniac to the absolute mental health of the most gifted of the children of men? Whence and what is this strange inequality and contrariety between different men? What is this ante-natal predestination which confers on one, and denies to another, the facility for every attainment, and the aptitude for every virtue? What is this transmission in almost each particular family,

from one generation to another, of peculiar gifts, moral and intellectual, and of corresponding responsibilities, with their attendant rewards or punishments? And yet why do two children, twins of the same womb, inmates of the same home, and pupils of the same preceptors, occasionally exhibit, from the cradle, moral and intellectual characters as dissimilar as their physical structure is alike? What is life, and what is death? When these questions, and such as these, are resolved, then we may boast our knowledge of the laws of human nature—but not till then. But:—

Thirdly; though not knowing those laws sufficiently for prediction, may we not know them enough for guidance? I answer, that if it had really pleased the Author of our existence to make our Reason the sole guide of our conduct, then, that which our Reason infers from the observation of life, would doubtless afford a sufficient rule of our conduct. But such is *not* the condition of our mortal being. The first, the most impressive, and the most frequent of the lessons of our individual Reason is, that we are in the presence of teachers of higher authority than herself. Humility is her appropriate handmaid; and to bow down our own judgment to the judgments of those who are wiser than we, or in lawful command over us, is her daily and hourly precept.

If there were not at hand redundant proofs from experience, that such are the terms on which we live, simple Theism would assure us of it. It cannot be that He who has so studiously provided for the conservation of the meanest member of His animated creation, should have left us to pursue our path through the dangers, temptations, and intricacies of our moral and social life, with no readier or surer aid than is to be

derived from the slow and precarious process of "concrete deduction." If from simple Theism we pass to revealed religion, the assurance that we have many such readier and surer aids, is explicit, and unambiguous. But:—

Fourthly; "all the phenomena of society being generated by the action of outward circumstances upon the mass of human beings," why may we not calculate beforehand on the recurrence or appearance of those phenomena by a careful estimate of the force and tendencies of those outward circumstances? I answer by denying that all the phenomena of society are thus generated. I refer the great number and the more important of those phenomena, not to the action of any outward circumstances, but to the antagonistic influences of those two internal principles, to which theology gives the names of Natural Corruption, and of Divine Grace. Now, what human prescience can make the right allowance for such influences as these on individual man, and therefore on collective man, that is, on Human Society? Regarding the corruption of our nature, we are bidden to believe that "the Heart of man is deceitful above all things," and to inquire, "Who can know it?" Regarding the influence of the Divine Grace, we are taught that, "like the wind, it bloweth where it listeth, but that no man can say whence it cometh, or whither it goeth."

Fifthly; this, however, is *petitio principii*. I am assuming the truth of Christianity, and that truth is neither admitted nor denied by Sociology, but passed by in studied silence. As one of the "less advanced," I regard that silence as a just subject of serious complaint. Christianity may be (as *we* believe) the greatest of all truths; or it may be (as some have

maintained) the greatest of all falsehoods. But that it should be true, and yet irrelevant to any system of social science, is utterly inconceivable. That the teachers of any such science should think themselves at liberty to abstain from so much as one passing allusion to it, is therefore at least very marvellous.

For Christianity at least *claims* to answer many of the most intricate and arduous of their inquiries. It *claims* to supply us with some of those "universal precepts," against which, as guides on such subjects, Sociology has given us her most emphatic warning. Are these claims ill-founded? If so, let their futility be unambiguously asserted and plainly exposed. For, if they are indeed fallacious, it is a fallacy diffused over a far greater multitude, and casting far deeper roots, than any of those errors with which the "positive" has hitherto wrestled.

I anticipate the answer. No man is really free amongst us to avow his disbelief of the religion of his age and country; nay, hardly of any one of the commonly received articles of it. With whatever seriousness, decorum, and integrity of purpose, such an avowal may be made, he who makes it must sustain the full force of all those penalties, civil and social, which more or less attend upon all dissent, or supposed dissent, from the recognised standard of orthodoxy. I acknowledge and lament that this is so. I think that they who inflict such penalties are entitled to no praise, and to no gratitude. They give to disbelief a motive and an apology for a dishonest self-concealment. They give to the believing a painful mistrust that there may possibly be existing, and yet concealed, some potent reasons, which, if men could speak their minds with real impunity, would be alleged against their own most cherished convictions.

No infidel ever did, or can do, so much prejudice to our faith as has been done by those zealous adherents of it, who labour so strenuously, and so often with such unfortunate success, to terrify all objectors into silence. The early Christians were but too successful in destroying all the writings of the early infidels. Yet, for the confirmation of our faith in the present age, a complete copy of Celsus would be of far more value than the whole of the volumes of Origen.

I, therefore, should not venture to condemn, much as I might regret, the silent passing over by Sociologists of any reference to the scriptural solutions of so many social problems, even if I were entitled (as I am not) or disposed (which I am still less) to ascribe that silence to a real, though unavowed, rejection by any of them of the authority of what Christians regard as an inspired canon. But be the reason of their taciturnity what it may, it at least leaves those who do acknowledge in that canon the voice of a more than human wisdom, unrebuked in their attempts to draw from it other lessons than those which the "positive" has to teach, or than those which the "concrete deductive method" can discover.

Sixthly; in reliance, therefore, upon that canon, I venture to think, that when we speculate on the phenomena of human society, it is not a mark of infantine weakness, but is rather the indication of the maturity of our strength to seek the solution of them by referring to "supernatural agencies." Sure, at least, I am, that from the Pentateuch to the Apocalypse those phenomena are thus interpreted. Such, beyond all dispute, is the unbroken tenor of the writings of all and of each of the prophets. It is utterly impossible to reconcile those writings with the doctrine, that he who would foretell the influence

on any society of any contemplated measure has to embrace only two elements in his calculation, — the one, the laws of human nature — the other, the circumstances in which the society in question is placed. A third and yet more momentous element is invariably introduced in the intimations of Holy Scripture. That element is the nature of Him with whom we have to do, so far as He has been pleased to make His nature known to us.

Seventhly; I do not think that any student of the Bible will be able to adjust the language of it to the dogma, that we are not at liberty to assume the existence of any "universal precepts," according to the breach or the observance of which will be the future development of the fortunes of any people. If this be, indeed, one of the dictates of the modern social science, then is that science in the most direct and absolute conflict with the dictates of what we accept and reverence as the Word of God. Every sentence of that Word lays down, or refers to, some "universal precepts," the sanctions of which, so far as communities of men are concerned, are either their temporal welfare, or their temporal misery.

Finally. Whoever shall attempt to interpret the past sequences of human history, or to anticipate those which are still to come, if he shall make that attempt by the aid of such lights as he can derive from revelation, must make a large allowance for one consideration, which Sociology entirely overlooks. I refer to the doctrine of a particular providence.

I cannot conceive that any man whose mind is deeply imbued with scriptural studies, and especially with the study of the historical and prophetical scriptures, should also adopt that philosophy of our times, which transfers to the movements of the human

will, and to the consequent condition of the members of the human family, laws borrowed from the statics and the dynamics of mechanical science. The language of the Bible is doubtless, to a great extent, rhetorical and poetical; but after making every possible deduction from its precise literal meaning on that ground, there still remains in it an overwhelming weight of concurring testimony to the fact, that, what may be called the natural sequences of events in the affairs of men, are continually broken by the Divine interposition. Everywhere, and in every conceivable variety of expression, we meet, for example, with assertions and illustrations of the fact, that God is continually raising up individual men who, from their peculiar characters, are designed, and made, to serve as pivots, upon which the whole circuit of human affairs is to revolve. It is superfluous to quote from the sacred story examples so familiar to us all of these divine dispensations. Take an instance far more near to our own times. Suppose a Sociologist, — a very long-lived one indeed, — studious of the nature of man and of the tendencies of his motives of action, to have contemplated the circumstances of human society as they existed in England in the beginning of the 17th century, and as they existed in France in the middle of the 18th. He might in either case have foreseen an approaching increase of popular franchises at the expense of monarchical prerogatives. But it would have been utterly beyond his power to foresee that the English throne would be filled by a prince distinguished for stubborn audacity, and that the throne of France would be filled by a prince not less distinguished by timid irresolution. Yet on those their personal characters every thing was in reality to depend. If Charles and Louis had changed places, there would

have been a reform in either country, but a revolution in neither. The Supreme Disposer of events, and He alone, could foresee that, in that crisis of the history of each of those states, the moral temperament of an individual man would work out such results. But, foreseeing it, His particular providence ordained that the Crown should in either case be worn by such a man as was necessary for bringing about the predestined catastrophe.

In thus adhering to the revealed Word of God,—not, indeed, to supersede the social science, but continually to control its authority, to supply its deficiencies, and correct its errors,—we are, of course, subject to that kind, and degree, of liability to mistake which we incur in receiving Holy Scripture as the authentic disclosure to man of the will and the dealings of his Creator. If in so receiving Holy Scripture, we are really mistaken, let the error be distinctly pointed out, and, if possible, established. But by merely pretermitting the subject, our teachers point out nothing, and establish nothing, respecting it. Unaided by them, we must, therefore, needs cling to our baptismal faith, and to the confessions of our maturer years; and in that faith reverently attempt to gather from our Bibles a higher and a surer social science than we can derive from any other source.

In that spirit I have, in the commencement of the present lecture, attempted to indicate the providential results of the war of the Albigenses. For the long sequel which I have thus added to that inquiry, my apology must be found in the boundless importance of the subject to which it refers. Amongst the most profound reasoners, and the most learned writers of our times, are to be found those from whose vital

principles on the subject of historical investigation I am thus constrained to dissent. I have not gone out of my way to create an opportunity of encountering such opponents. No man of common prudence would do so. But neither have I turned aside from the path before me to avoid that encounter. No man of common integrity would consult his ease and credit by so abandoning, in deference to any names however great, or any genius however eminent, that which he supposes to be the cause of truth.

LECTURE VIII.

ON THE INFLUENCE OF THE JUDICIAL ON THE MONARCHICAL SYSTEM OF FRANCE.

We are now to inquire how far the elevation of the Monarchy of France, at the expense of the Feudal Confederation, was promoted by the System established for the administration of Justice in that kingdom?

The reign of Louis IX. is memorable as the era at which the French kings first assumed that legislative power, and the French Parliaments that judicial power, which they respectively retained till towards the close of the 18th century. The nature, the causes, and the effects of these innovations, and especially of the last, must, therefore, be embraced in our present inquiry. But at the very entrance into it the eye is irresistibly arrested by the monument which the learned and the wise of every age, subsequent to his own, have concurred in raising to the illustrious author of them. In that long succession

of eulogists on the Royal Saint, none have been more emphatic than Hume, and none more enthusiastic than Voltaire. Yet it was impossible even to their subtle intellects, as it has been difficult to many students in a far nobler school than theirs, to trace the movements of that benignant Providence which planted and brought to a prolific maturity in the mind of Louis, as in a genial soil, the seeds of an habitual holiness, and of a wisdom which, if not always unclouded, was so often at once elevated and profound. It is perhaps an enigma refusing any complete solution. Yet the more diligently his life is studied, the more distinctly will it, I think, appear, that his natural dispositions received from the associates and the teachers of his youth, the training which rendered them fruitful of so many virtues. Exquisitely alive to every domestic affection—often oppressed by a constitutional melancholy, which laid bare to him the illusions of life, yet occasionally animated by a constitutional gaiety, which enabled him for a while to cherish and to play with those illusions—enamoured of the beautiful, and revering the sublime —his temper, though thus sympathetic, pensive, and imaginative, was allied (it is no common alliance) to a courage which rose and exulted in the presence of danger, and to a fortitude which was unshaken in the lowest depths of calamity. Yet his genius was more imitative than original, his spirit ductile rather than decisive, and his whole character not self-sustained, but destined to derive its ultimate form and colour from the habits, the tastes, and the opinions of those with whom he might be associated.

Great, therefore, were the obligations of Louis to the companions and guardians of his youth. His mother, Blanche of Castile, watched over the royal

boy (for he had not completed his thirteenth year when he ascended the throne of France) with all a mother's tenderness, united to a discipline more inflexible, and perhaps more stern, than most fathers have the courage to exercise. In Isabella of France, his sister, who had preferred the cloister to the imperial crown, he had another kinswoman who bestowed on him all the thoughts, the time, and the affection, which she ventured to divert from the object of her almost ceaseless worship. In his eighteenth year he married Marguerite of Provence, who, after having been the idol of the Troubadours of her native land, herself became almost an idolater of him; cleaving to him with the same constancy of love in their quiet home at Poissy, and amidst his disasters at Massourah and Damietta.

But the sagacity of Blanche foresaw that these filial, fraternal, and conjugal affections might enervate, even while they purified, the spirit of her son, and she therefore selected for his tutor a man possessing, as she judged, the qualifications best adapted to counteract that danger. His name was Pacifico. He was an Italian gentleman, who, having been one of the first followers of St. Francis of Assisi, was animated by the profound and fervent devotion which characterised his master. From Pacifico, Louis derived those religious convictions which thenceforward formed the basis of his whole exterior and interior life. So deeply, indeed, were those devout habits inwrought into his mind, that the desire to abdicate his crown and to assume the monastic vows attended him to the last. Nor was this a mere day-dream, for when occasion offered he would for a while adopt the dark tunic of the Mendicants, and pass whole days in the performance of their sacred offices.

But Pacifico was too wise a man to train up a king in the spirit and practices of a monk. He instructed his pupil in ancient and in more recent history, caused him to ride boldly in the chase, and required him to cultivate every martial exercise and courtly grace, which was then regarded as indispensable in a gentleman and a cavalier. Nor did the lowliness of the Franciscan institute prevent the friar from instilling into the soul of Louis the loftiest conceptions of his own royal dignity. The noblest of his falcons, it is said, having attacked and slain an eagle, was welcomed with rapturous applause by his brother sportsmen; but was dismissed from all further service by the royal boy, with the indignant remark, that he should not have presumed to pounce on the monarch of the skies.

Other and far different associates contributed to form the character of the pupil of Pacifico. In the halls of the Louvre, then a fortress rather than a palace, veteran captains described to him the battles which they had fought with Saladin, and the victories which had expelled the English from Normandy. Beneath the same royal roof, grey-headed counsellors of Philippe Auguste explained to him the methods by which that prince had enlarged the domains and the powers of the kings of France; and there also civic bailiffs and provincial seneschals interpreted to their young sovereign the motives which had induced his ancestors to increase the number, and to extend the franchises of the communes. Thus imbibing from aged men the hereditary maxims of his house, he learnt to adopt them as the laws by which his future reign was to be directed.

But the yet higher laws by which his own personal conduct was to be governed, seem to have been

derived from a far more eminent teacher than any of these. St. Thomas Aquinas, who had migrated from his native Italy into Northern France, was passing there a life which may be said to have been one deep and unintermitted meditation; for the results of which he found utterance sometimes in acts of public or of solitary worship, and at other times in interpreting to mankind the mysteries and the duties of their relations to the Deity and to each other. To the inquiry of Bonaventura as to the sources of his stupendous learning, he answered by pointing to the crucifix which stood upon his table; and, when seated at the table of the king, or introduced into his closet, he still directed him to the same inexhaustible fountain of divine and human wisdom. From his intercourse with St. Thomas, Louis seems to have acquired his acquaintance with that science which the devout Pacifico could not have taught — the sacred science of Christian morality, in all the amplitude, and in all the minuteness, of its application to the offices of a legislator and a king.

Though contrasted with this seraphic doctor as strongly as the Chronique de St. Louis is contrasted with the Summa Theologiæ, the Sire de Joinville had *his* lessons also to impart to his sovereign. Joinville, the grand seneschal of Champagne, was the living impersonation of the beau ideal of his age, — the preux chevalier — the mirror of courtesy — concealing a tender heart beneath a stoical demeanour — rejoicing in all the good things of life, while braving death and pain in all their ghastliest forms — clinging to his religion as a point of honour, and guarding his honour as a religious obligation — the most loyal of vassals, the most frank and plain-spoken of courtiers; and, writing with

so much natural vivacity and ease, that the ordinary authorship even of the times of Montaigne is rebuked by the great essayist himself, as constrained and artificial when compared to that of the gallant chronicler. To Joinville more than to any one else Louis was probably indebted for the cordiality, the graciousness, and the freedom of address which, in his case, may be said to have risen into a virtue, since without it his other virtues would have lost much of their influence. No other writer has depicted the Royal Saint, and perhaps no other ever saw him, in his moments of social exhilaration; nor are there many stories more charming than those in which the good seneschal describes himself as amusing his devout sovereign, at one time by provoking the orthodox anger of Robert, the chanter of Cambray, and at another by dragging into daylight the superfine linen concealed beneath his cassock;—so hearty is the pleasure of the honest narrator at having made a luxurious monk ridiculous, and so graceful the kindness with which the king soothes the pain of the mortified priest at the expense of the thicker skinned soldier.

But I anticipate and bow to the censure, that we have not met here this morning to recreate ourselves with facetious tales, however dignified may have been the heroes of them; and I, therefore, desist from the further prosecution of a favourite theme. But even this slight sketch of the formation of the character of St. Louis will not be altogether useless if it shall induce any of my hearers to study the writers, and Joinville above all the rest, to whom we are indebted for our knowledge of him. For St. Louis occupies in history a place apart from that of all the other moral heroes of our race. It is his peculiar praise to

have combined in his own person the virtues which are apparently the most incompatible with each other, and with the state and trials of a king. Seated on the noblest of the thrones of Europe, and justly jealous of his high prerogatives, he was as meek and gentle as if he had been undistinguished from the meanest of his brethren of mankind. Endowed from his boyhood, by the lavish bounties of nature, with rank, wealth, power, health, and personal beauty, he was as compassionate as if sorrow had been his daily companion from his youth. An enthusiast in music, architecture, and polite learning, he applied himself to all the details of public business with the assiduity of one who had no other means of subsistence. Though glowing with all the ardour of an Homeric hero on the field of battle, he purchased and maintained peace by sacrifices which might have appeared humiliating to the faintest heart which ever throbbed beneath the diadem. Surpassed by no monarch in modern Europe in the munificence of his bounties, or in the splendour of his public works, those purest and most sumptuous of the luxuries of royalty were in no single instance defrayed from any tributes levied from his people. Passionately attached to his kindred, he never enriched or exalted one of them at the public expense. Regarding the aggrandisement of the Crown by the subjection of the greater Feudatories, as a king in all times, and as a patriot in his times, must have regarded that policy, he yet respected their legal rights, not only with rigid justice, but even with the most delicate and generous courtesy. The heir of conquests and territorial acquisitions of which the responsibility rested with his grandfather, the inestimable advantage with himself, he restored to his rivals and his adversaries every fief and pro-

vince which, upon the strictest scrutiny, by the most impartial umpires, appeared to have been added to the royal domain by unjust, or even by questionable, means. With a soul knit to the Church, and entirely devoted to her real interests, he opposed a firmer resistance and a more enduring barrier to sacerdotal rapacity and ambition, than had been contemplated by the most audacious and worldly-minded of his predecessors.

What then was the basis of this sacred harmony in the character of Louis? I answer, or rather every page of his history answers, that it flowed from his constant devotion to that holy canon, and to that divine model, in which every utterance and every action are harmonious. His eye was continually turned to the eternal fountain of light with all the docility of childhood. He had early attained to that maturity of the moral stature in which the abdication of self will to the supreme will becomes at once a habit and a delight. In the service of his Creator he found and enjoyed a perfect freedom. It was a service often rendered in pain, in toil, in sickness, and in danger; but ever rendered with a heart full of cheerfulness, and confidence, and hope. It was a life illustrious neither by any extraordinary talents, nor by any brilliant achievements, but by virtues which the humblest may emulate, and by dispositions which may gladden the meanest cottage, and ennoble the least powerful understanding. But I must add that it was also a life scarcely less fertile in warning than in example. In blind obedience to human authority, supposed to be divine, Louis, abandoning the duties of a king for those of a crusader, led to destruction in Egypt and at Tunis the two most gallant armies which France had ever sent into the field. In

deference to an unfounded scruple of conscience, he surrendered to the Plantagenets territories which laid open France to the wars under which she groaned during several successive generations. With the most simple purpose of fulfilling what he supposed to be the will of God, he laid the foundations of the absolute powers, judicial and legislative, by which his successors in the French throne crushed successively the feudal powers of the seigneurs and the constitutional franchise of their people. To explain and justify this last statement is the object which I more immediately propose to myself in the present lecture; a subject too technical and tedious to be rendered interesting to any but the resolute students of history, yet too important to be passed over by any excepting those with whom study is but another name for pastime.

In the Feudal age the whole of France was divided into seigniorial fiefs and enfranchised municipalities. In every fief the seigneur exercised an hereditary jurisdiction, both civil and penal. According to the language of those times, the *justice* of each seigneur was either Haute, Moyenne, or Basse,—a gradation depending on the extent of the damages, and on the nature of the penalties, which his court was competent to award.

Every enfranchised municipality also possessed a local tribunal, which, within the corporate limits, administered justice, either Haute, Moyenne, or Basse, according to the terms of the traditional privileges, or of the charter of enfranchisement of each.

In the Seigniorial Court the seigneur himself presided, his vassals attending him as judicial assessors. They were called peers; the equals, that is, those who were to come before them in judgment; for the

principle, that no free man could be tried except by his peers, was as ancient and as fully established in France as in England.

Of all the fiefs of the realm, the greatest was that of which the king himself was the immediate seigneur. It was called the Royal Domain. The Feudal Court of the Royal Domain resembled that of the other seigneuries, except that it was holden, not by the king in person, but by his Seneschal as his representative.

The seigniorial courts could take cognisance only of cases arising out of feudal rights or feudal obligations; for it was in respect of such cases alone that the vassals of the fief stood in the relation of peers to the suitors in those tribunals. To provide for the decision of judicial questions arising within the royal domain, but not falling within the range of the feudal law and jurisprudence, the king appointed there other judges, called Prévôts.

Towards the end of the 12th century, the progressive enlargement of the royal domain had rendered the courts of the seneschal and prévôts inadequate to the discharge of their appropriate duties. The progressive increase of the royal authority had also, at that period, attracted to the Crown many petitions for the redress of grievances, and especially of grievances arising from the abuse of the powers, both of the king's greater feudatories, and of his inferior officers. To meet these new exigencies, therefore, the king reverted to one of the Carlovingian institutions. He appointed missi dominici, or migratory commissioners, to perform circuits through his domain, and there to adjudicate on matters to which the ordinary courts were either inadequate or incompetent. Those commissioners soon became permanent judges, under the name of Baillis. Those circuits soon became

determinate and well defined districts, under the name of Bailliages.

Beyond the limits of the royal domain, the competency of the Baillis extended, first, to all cases of haute justice, arising within any fief or municipality, the seigneur or corporation of which did not themselves possess that high jurisdiction; secondly, to what were called cas royaux, that is, all cases in which the rights of the king, as suzerain of the whole realm, might be drawn into question; and, thirdly, to cases of appeal, that is, to cases in which a suitor (as the phrase was) *faussoit jugement*, by denouncing the judge of the seigniorial or municipal court, or any witness there, as false, fraudulent, and perjured, and by demanding wager of battle against him.

The introduction by the king of a seneschal, of prévôts, and of Baillis into the judicial system of the royal domain, awakened the jealousy of the great vassals of the French Crown. Emulous of the power of their sovereign, and as yet little disposed to ascribe to him any superiority to themselves, except in rank, those grandees imitated his example by appointing, in their several fiefs also, seneschals, prévôts, and baillis. The resemblance was, indeed, imperfect. The royal baillis could, as has just been noticed, take cognisance of many questions arising beyond the precincts of the royal domain. The seigniorial baillis, on the other hand, could take cognisance of no question arising beyond the precincts of the particular fief for which they acted. Nevertheless, these imitations conduced to an important result. As one great fief after another was successively absorbed into the royal domain, the uniformity which had thus been previously effected in their legal institutions reconciled the change to the habits and feelings of the

inhabitants. The political union of all the fiefs of the kingdom was preceded and facilitated by this correspondence between the judicial systems of them all.

The reign of Louis IX. was, as I have said, a most momentous era in the history of the French law and of the French tribunals. I had lately occasion to explain how, in consequence of the Eastern Crusades, the Roman jurisprudence became a favourite study in the universities of Italy and France. In that code the thoughtful men of those times discovered the means of providing for the great exigency of their age,—that is, for an equitable, systematic, and uniform administration of justice. Their earlier studies as divines and canonists enabled them, not only to appreciate the importance of that discovery, but also to turn it to the best account. To those clerical lawyers France was accordingly indebted,—first, for compilations of the legal customs of the several greater provinces of the kingdom, such as Burgundy, Champagne, Normandy, and Anjou;—secondly, for treatises explanatory of those customs, among which those of Beaumanoir and De Fontaines were the most celebrated;—thirdly, for essays towards the consolidation of them all into one general code, to be called "Consuetudines Patriæ;"—and, finally, for the actual preparation of one such code, which, under the title of Établissements de Saint Louis, was promulgated by that monarch in the year 1270. It was a body of law, regulating the mode of procedure in all feudal cases, and illustrated by comments and analogies drawn from the Corpus Juris Civilis. Though originally confined to the royal domain, the Établissements were ere long extended to the whole of France; and are among the earliest examples of any law having

so extensive a scope and operation under the Capetian Dynasty.

Science having thus been introduced into legislation, it became indispensable in the judgment seat also. The rude baron and his martial assessors had not encountered much difficulty in adjudicating in the seigniorial courts. When engaged in inquiries too subtle for the prompt award of an untutored common sense, they tried the point at issue between the litigants, by an appeal to the Omniscient Judge. That appeal was supposed to be made, either by the ordeal or by mortal combat; and the result of it was not to be mistaken by the least learned of the spectators. But to the devout and enlightened mind of St. Louis it appeared irreverent and profane, thus to invoke the miraculous intervention of the Deity on an occasion on which no divine promise had given assurance of any such aid. Though addressed in words and form to the Omniscient Judge, that appeal was, as he perceived, really made in reliance on the personal prowess of the appellant, and was effectual only to the strong and the rich, at the expense of the feeble and the poor. For these reasons St. Louis, in the year 1260, promulgated an ordinance, forbidding the resort to that species of judicial proof within the limits of the royal domain.

Deprived of the martial test on which they had hitherto relied, the courts of every seigneur within the domain were compelled to resort to those more delicate criteria of truth which are afforded by the language of the litigants, and by their evidence, whether oral or documentary. It thus became necessary to ascertain in all such cases, what were the facts alleged, admitted, or denied by the respective disputants; what were the precise matters of fact or

points of law controverted between them; what, as to any such matter-of-fact, was the balance of conflicting testimonies; and what, as to any such points of law, were the legal rules or customs according to which they must be decided.

Thus the stout baron and his vassals had no longer to preside at judicial combats, but at judicial processes; a change most unwelcome and embarrassing to judges, most of whom were unable to read. They had to listen to prolix and contentious suitors contradicting the assertions, refuting the arguments, impugning the witnesses, and repelling the proofs of each other. Advocates and proctors quoted to them the newly discovered Institutes of Justinian, which those learned persons were already accustomed to call "the perfection of wisdom." Partly from its inherent merits, and partly from the absence of any rational system of jurisprudence, of native or of European origin, this code of the Eastern empire soon attained a great authority, and at length took possession of all the tribunals of France. As it gradually substituted the written depositions of witnesses for their oral testimony, it enhanced the difficulties of the seigneurs in their administration of justice, by adding another stratum of obscure and wearisome documents to the vast deposits of that kind beneath which they were already overwhelmed. The fatigued and perplexed baronage had but one resource left to them. It was that of admitting to the audience some of those who were called "literate" persons, and of charging them with the care of unravelling the interminable web of written controversy. Beneath the stately sedilia of the lord and his chief vassals were, therefore, placed a range of low stools, on which were seated men of modest, quiet, and

submissive demeanour; clerks, in or out of holy orders, as it might happen; roturiers of base birth, and not seldom of mean pursuits, yet curiously gifted with the art of methodising, digesting, and explaining those formidable piles of legal instruments. A discerning eye might have traced in the calm and pallid looks of the drudges who dispatched these toils, some suppressed scorn for the unlettered superiors at whose feet they sat, not unmixed probably with some aspiring hopes that ere long those stately seats might be their own.

That such hopes were cherished may be well conjectured from the fact, that they were speedily fulfilled. Ere long, the literate assessors fairly (or perhaps unfairly) wore out the patience of the illiterate barons. To listen to an incomprehensible legal jargon day after day, through long hours due to the raid, the tournament, or the chase, had been provocation enough. But to discover, at the close of every such tedious session, that those mean men in serge gowns and black bonnets really dictated, while affecting only to suggest, the decisions of the court, and were making passive tools of the seigneurs who had believed that they were about to make tools of them, was too much for baronial endurance. Exhausted with unprofitable fatigue, and exasperated with the irretrievable loss of all their real importance and dignity as judges, the lords first became remiss in their attendance, and at last entirely abandoned the tribunal to the humble but shrewd and painstaking clerks. In due time they exchanged their low stools for the vacant bench, and obtained or assumed a title more commensurate with the real importance of their office. Becoming at length the recognised judges of the seigniorial court, they thenceforward indulged them-

selves without restraint or hindrance in all the legal subtleties to which they owed their elevation.

By means not dissimilar, a corresponding victory was gained by the lettered clerks over the unlettered barons of those fiefs which lay beyond the limits of the royal domain. I have already observed, that, in every part of France, the royal baillis could take cognisance, first, of cases of haute justice arising within any fief, the seigneur of which did not himself possess that high jurisdiction; secondly, of cas royaux, that is, of cases in which the rights of the king as suzerain might be drawn into question; and, thirdly, of appeals, that is, of cases in which a witness, being accused of perjury, or a judge of wilful injustice, battle was waged against either of them.

Now, the baillis of the royal courts beyond the royal domain being chosen by St. Louis on the ground of their education and knowledge as lawyers, were, like all other members of that profession, ardent admirers and followers of precedent and of ancient authority. Like the "literate" assessors of the barons within the royal domain, and in imitation of them, the royal baillis began, in all cases arising beyond the limits of that domain, to study and to quote the Institutes of Justinian and the Pandects; nor had they ever to seek there in vain for analogies by which to enlarge the judicial powers which they exercised in the name of their sovereign. For;—

First, observing that every imperial rescript had been binding and in force throughout all the limits of the Roman empire, they maintained that every sentence pronounced in the courts of the king of France must be binding and in force in every part of the French kingdom.

Secondly, having learned that the emperor had

been accustomed to withdraw from all local tribunals to his own, those causes which were called Causæ Majestatis, they taught that, by parity of reason, the king was entitled to evoke all the cas royaux from the seigniorial to the royal courts. And as the emperor had left the words "causæ majestatis" in a certain flexible indistinctness of meaning, so they held that it was not necessary (as to the king it obviously was not desirable) to deprive the words "cas royaux" of their convenient elasticity by any precise definition of them. They discovered (but little invention was requisite for such a discovery) that few cases could arise in a seigniorial court which might not affect the king in his character of suzerain, and consequently there were few which might not be drawn within their own cognisance. Thus, continually enlarging his own sphere of action, the bailli as continually contracted that of the seigniorial judges.

Thirdly, to multiply still further the number of cas royaux, it became first a maxim, and then a law, that every free man who was a party in a legal process, might, at his own pleasure, as it was expressed, "declare his domicile;" that is, he might determine for himself, whether, for the purpose of the suit, he should be considered as a liegeman of the baron on whose fief he was found, or as a liegeman of the king. If he made the latter choice (and there were many motives inducing him to make it), the king's judges claimed an exclusive cognisance of the matter in debate.

Fourthly. The *justice* of the seigneurs was yet more considerably narrowed by another legal doctrine which was invented and enforced by the judges of the royal courts. As the ordinance of 1260 forbidding trial by

battle was confined to the royal domain, the judge of a seigniorial court was still, in strictness of law, bound to vindicate his innocence by the sword, if a suitor brought an appeal of false (that is, of wilfully unjust) judgment against him in the court of the royal bailli. To avoid this consequence, the baillis discovered or unveiled the doctrine that, even beyond the royal domain, the ordinance of 1260 was, by a certain analogy, to be adopted as the rule of judgment of all royal courts. Therefore, when a suitor in any part of France brought an appeal of false judgment against the judge, the bailli did not require the judge appealed against to enter into a combat with his accuser, but they required the accuser to prove by arguments, or by evidence, that his judgment was opposed to the principles of justice. Now this was, in effect, to receive from the seigniorial courts *appeals*, in the strict and proper sense of the word. Any unsuccessful suitor in any such court, who, in form and in terms, impugned before the bailli the integrity of the original judge, was thus enabled to obtain a re-hearing and a new decision of the cause. Thus the court of the seigneur at length became, in effect, nothing more than a tribunal de première instance; a mere outer chamber in which the process was prepared for the final adjudication of the royal judges.

Finally. As the imperial code had determined that Rome was *communis patria* of all Roman citizens, so the royal baillis drew from it the analogy and conclusion, that all the subjects of the king of France had their *communis patria* at Paris, and were amenable to the jurisdiction of the Parisian tribunals.

To any one conversant with the history of the law

of England, we might seem to be recounting some of the triumphs of the courts at Westminster in elbowing out all the rival jurisdictions, in enlarging their own, and in confounding the function of the interpreter of the law with that of the lawgiver. For amidst all the specific distinctions between the legal tribunals of different countries, they have a great sameness of generic character. Their natural tendency every where is towards uniformity of judicial procedure — towards concentration of judicial power — and towards a well-defined subordination of all the successive ranks of the judicial hierarchy to each other. They are taught by a sure instinct that union is strength, and that such mutual dependence and submission are essential to union.

To complete the chain of subordination by which that hierarchy was to be constituted and bound together, a new system of tribunals arose at the commencement of the 14th century, which were destined ultimately to control, and in a great measure to supersede, all the other courts of justice in France. I refer to the Parliaments, and especially to the Parliament of Paris. In order to explain what at length became the judicial character and functions of these tribunals, it is necessary to return upon some of the steps which we have already taken, and to endeavour, however briefly, to have their genealogy from much more ancient institutions.

I attempted in a former lecture to justify the statement, that, from the invasion of Clovis to the accession of Charlemagne, France did not possess any national legislature, nor even any royal legislator. That part of the old Romano-Gallic race which dwelt in cities, continued in those times to live under their old municipal government, but had no share in any

national affairs. That part of the same race which lived in the rural districts as slaves or serfs, or as coloni, took just as little part in the conduct of the general interests of Gaul as the oxen which drew their ploughs. The Franks, on the other hand, constituted one great army, the main body of which was encamped round the abode of their Kyning or commander, and the rest of which was broken up into various detachments stationed at great distances from each other on the lands, and among the slaves, appropriated for their maintenance. Every such detachment became ere long a sedentary tribe, and the chief of each was accustomed, as occasion required, to convene the mallum (that is, an assembly of the free inhabitants) of his district, to deliberate with him on all the affairs of his immediate locality. The Kyning, also, occasionally convened an assembly of the whole of the Frankish chiefs, to deliberate with him at the Champs de Mars on the affairs of the whole confederacy. But neither the mallum nor the Champs de Mars was a legislative convention. Each of them was a council of war, or an assembly of warriors, who, brandishing their swords, and clattering their shields, shouted their acquiescence or their dissent as their commander-in-chief laid before them any military project; very much after the manner of the Cherokees two centuries ago, or of the Foulahs of Central, or the Zooloos of Southern, Africa, at the present time.

The assemblies even of Charlemagne, and of his son and grandsons, were little more than so many Frankish palavers, brought together to discuss any military questions of unusual difficulty or importance. The admission of the episcopal order gave to them, indeed, an additional character, strongly resembling that of Synods; and the large views of Charlemagne

himself, and of his wise and learned councillors, sometimes induced him to borrow from such assemblages a higher sanction for his capitularies than they would have had if avowedly resting on his own unaided authority. But whatever use he, or his immediate descendants, may occasionally have made of these armed or clerical conventions, it is a mere abuse of words to designate them as national legislatures.

When the Carlovingian Monarchy had given place, first to Anarchy and then to Feudalism, the mallums, and the Champs de Mai, and (except in some southern cities) the municipal curiæ also, disappeared. But in their stead there came into existence the feudal courts. Each tenant *in capite* of the Crown held within his fief a parliament of his own free vassals. To attend at such parliaments was among the most important of the conditions on which the vassal held his lands or his offices. He was as strictly bound to be present at his lord's pleas in the court, as to follow his lord's banner in the field.

For at such pleas or courts were done most of the acts by which the lord asserted and perpetuated his seigniorial rights. There was administered the seigneur's *justice*, whether haute, moyenne, or basse. There were discussed all questions immediately affecting the seigneurie or the tenants of it. There especially were adopted all general regulations which the exigencies of the lordship were supposed to dictate, and especially all such as related to the raising tailles or other imposts.

What was thus done on a small scale, in a minor fief, was also done, though on a larger scale, in each of the great feudal provinces, and, on a scale yet more extensive, in the court or parliament holden by the

king as seigneur of the royal domain. In that high assembly justice was administered by the king to the feudatories of the domain, and to their vassals. There were discussed questions affecting the common weal of the king, and of all his tenants *in capite* throughout the realm. There, also, were proposed, or promulgated, such general regulations as the exigencies of the king, or of any parts of his kingdom, were supposed to require; and there, especially, was determined whatever related to the raising of tailles, or imposts, for the king's service, in any part of his dominions.

This royal court, or parliament, was, however, not a legislature, in our modern sense of that word. It was rather a convention, in which, by a voluntary compact between the king as supreme suzerain, and the greater seigneurs as his feudatories, an ordonnance, or an impost, was established, either throughout the entire kingdom, or in some seigneuries apart from the rest. From any such compact any seigneur might dissent on behalf of himself and his immediate vassals; or, by simply absenting himself, might render the extension of it to his own fief impossible.

This system of holding royal courts, or parliaments, was of gradual and tardy growth. It can, indeed, scarcely be traced at all in the four first Capetian reigns. But in the time of Louis VII. it received a new impulse and importance from a cause which never before, or since, exercised so striking an influence over human affairs. The British Arthur of the ballads of that age had sat at his round table encircled by his twelve knights, and the Troubadours and Minnesingers had, therefore, assigned to Charlemagne (the hero of their romances) an equal number of paladins. Bards have, in all times, had the high

office of predicting the future. In mediæval France, as in ancient Greece, they attained to the additional prerogative of divining, or rather of creating, the past. Louis VII. believed, or affected to believe, in Turpin, and in his traditions of Roland, Olivier, and Tristan; and, in real or pretended deference to them, he actually summoned to his royal parliament, with the rank and title of Peers of France, six of the chief ecclesiastical, and as many of the principal lay, seigneurs of his realm.

The romance thus became a reality. The fiction passed into a truth. In the dramatic spirit which enters into the very life of the French people, Louis VII. and each in turn of his successors delighted to enact the rôle of Charlemagne; while each of these great princes, secular or ecclesiastical, gladly and ostentatiously assumed the character of a peer and paladin. Many generations had passed away before those peers had entirely ceased to be regarded as a distinct order in the state, and as the lieutenants and chief councillors of their sovereign. As, however, they did not form a separate body, but sat and deliberated with the other chief feudatories in the feudal parliament of the king, they enhanced, instead of impairing, the authority of his great council, or royal parliament.

Subject to the many corrections which would be requisite to reduce to perfect accuracy this slight sketch of the origin of the great council or parliament of the kings of France, such was, in substance, the constitution of it at the time of the accession of Louis IX. Before the close of his eventful reign, that monarch had acquired the character, and was in full exercise of the powers, of a lawgiver; and was habitually making laws, not with the advice and consent of his council or parliament, but in the exercise of the

inherent prerogative which even they now began to ascribe to the French Crown.

I have already observed, that, under the Feudal System, each tenant *in capite* of the Crown held within his fief a parliament of his own free vassals, at which were adopted such general regulations as the exigencies of the seigneurie were supposed to dictate, and especially all such as related to the raising imposts; and that, when it was judged necessary to establish any such regulations or imposts throughout the whole kingdom, the king and his chief feudatories adopted them, at the royal court or parliament, rather as international compacts, than as legislative enactments, in our sense of those words.

But in the reign of St. Louis new maxims began to prevail. In the Roman code, the royal judges found an inexhaustible magazine of weapons with which to assail the feudal, and to defend or enlarge the royal, power. The wisdom of the proprietary laws of Rome, and the equity of much even of her penal laws, afforded at once an apology and a disguise for the silent introduction into France of much also of her political law. Yet it was a law which had been moulded into its later forms in an oriental seraglio, and which was fit only for the government of a debased and servile population. The inherent powers of the French Crown were assumed by the king, and asserted by the judges, to be co-ordinate with those of the Byzantine Diadem. As the emperor of the East had been accustomed to issue rescripts at his pleasure, so it was maintained, cautiously at first but confidently at length, that the king of France was also entitled, in the exercise of his royal authority, to make such enactments as he might think necessary. As the Crusaders had placed a French prince on the

throne of the East, so the East was now avenged by placing an absolute power in the hands of the kings who afterwards sat upon the throne of France.

These encroachments, however, scarcely attracted the attention, or at least they did not provoke the jealousy, of the nobles of that warlike and improvident age; nor did any monarch ever disarm suspicion by a nobler apology for the enlargement of his own powers, than that which St. Louis derived from the wise and generous uses to which he devoted them.

Thus, for example, the feudal seigneurs and their clans, like some of the barbarous tribes of Australia in our own times, regarded the responsibility for bloodshed as extending to the remotest kindred of the manslayer, and as descending from generation to generation. They therefore, like those tribes, or like our old Scottish clans, waged against each other wars of alternate, and therefore of interminable, vengeance. Louis IX., in the exercise of his assumed character of a lawgiver, published an ordinance interdicting all such private wars. The wisdom and the advantage of it were so evident, that the illegality of it was unheeded or forgotten.

Thus also the court of Rome always claimed and often exercised three invidious and formidable secular powers. These were, first, the power of nominating incumbents to benefices in derogation of the rights of private patrons; secondly, the power of appointing the officers of cathedral churches without the consent, or against the will, of the bishops, deans, and chapters; and, thirdly, the power of levying imposts on the ecclesiastical revenues of France, without either the concurrence of the clergy, or the permission of the king. Louis IX., with universal applause, interdicted all such papal encroachments by that celebrated law

which was ever afterwards designated as his Pragmatic Sanction.

In these, as indeed in most of his assumptions of legislative power, St. Louis was beyond all doubt actuated by purposes as pure, as his enactments themselves were beneficial to his people. Yet a conspicuous place is due to him in the roll of princes, whose very virtues have been fatal to the states they governed—who, in genuine but mistaken patriotism, have cast down ancient landmarks of inestimable though of unperceived value—and who have bequeathed to future times, examples to be followed with equal readiness, though with most dissimilar motives, by the worst, as well as by the best, of their successors.

The apology of having been guided only by public spirit and love of country, will, however, not apply to the most remarkable of the assumptions which St. Louis made of the power of legislation. I refer to that code or body of laws already mentioned, which bear the title of his Établissements. It is a rude imitation of the Justinian code, and is evidently the work of some practised lawyer of that age, whose literary labours probably attracted but little of the attention of the king in whose name they were promulgated. This French Tribonian, whoever he may have been, seems to have been deeply imbued with the spirit of the légistes of his times. His work, though destitute of all methodical arrangement, is not without proofs of a certain unity of design. That design was to elevate the royal at the expense of the baronial power;—to repress, at whatever cost of human suffering, those crimes which Feudalism most readily sheltered;—to extend the authority of the Roman law by superseding in its favour the customary codes

of the greater fiefs ;—and to enlarge the powers of the legal profession by throwing over the administration of justice a veil impervious to any eyes but theirs.

Inconsiderate as were the peers and barons of France in the 13th century, they did not silently acquiesce in this last and greatest usurpation by St. Louis of the legislative office. But their opposition was vain. For, first, the promulgation of the Établissements was very nearly coincident in point of time with his departure for his last and fatal crusade to Tunis, when the thoughts of all men were agitated by interests much nearer and much dearer to them than those of constitutional privileges. And, in the next place, the objections of the seigneurs appear to have been overruled by their legal colleagues in the royal court or parliament. There is to be found in Beaumanoir, one of those jurists, an account of the distinction in virtue of which they vindicated the claims of their sovereign to legislative power. "One may not say," he writes, "that the king is of right the lawgiver. But it is admitted that he may *promulgate* laws for the good of the realm; and it is proper to obey them, because we are bound to suppose them to result from a wisdom superior to that of other men." It is difficult to imagine any conclusion which might not be yoked to any premises by the master of such a logic as this.

I have already stated that, at the commencement of the 14th century, the Parliament of Paris began to complete that chain of subordination, by which the whole judicial hierarchy was to be constituted and bound together as a single and united body. But thus far I have been engaged in explaining how, in the presence of that parliament, that is, of the royal council (for the terms were then convertible),

Louis IX. accomplished the greatest of all additions to the hereditary prerogatives of his crown. With our English prepossessions, it is impossible to repress the wonder and even the incredulity, with which we at first listen to the statement, that the supreme judicial tribunal of the kingdom could be otherwise than the zealous and effectual antagonist of so momentous an encroachment. To explain this it now becomes necessary to resume the broken thread of our discourse, and to inquire how the royal council or parliament added a judicial authority to their earlier and more appropriate functions, and what was the precise nature of that authority?

On the departure of Philippe Auguste for the Holy Land, he had thought it necessary to provide for the decision, during his absence, of such complaints as were in his days often preferred to the Crown respecting the conduct of the royal officers, political or judicial. With that view he directed the queen-mother and the archbishop of Rheims, as regents of the kingdom, to hold once in each year an assembly of the greater barons. This practice had become habitual by the time of Louis IX. For the confirmation and improvement of it, that monarch ordered that, before the day of any such assemblage, citations should be issued, commanding the attendance, not as before, of the greater barons exclusively, but of twenty-four members of the royal council or parliament. Of those twenty-four, three only were to be great barons, three were to be bishops, and the remaining eighteen were to be knights. But as these members of the royal council did not appear to St. Louis to possess all the qualifications requisite for the right discharge of the judicial office, he directed that thirty-seven other persons should be associated to

them. Of those associates, seventeen were to be clerks in holy orders, and twenty légistes, that is, men bred to the study of the law. The functions assigned to the légistes was that of drawing up, in proper form, the decrees and other written acts of the collective body.

To this body, when thus constituted, was given the distinctive title of the Parliament of Paris. If we search our own institutions for an analogy to the Parliament of Paris as originally established, that analogy would be best discovered in the Star Chamber of ancient times, or in the Judicial Committee of the Privy Council as it has existed since the Restoration. For the members both of the English and of the French chambers acted at once as judges and as privy councillors, and composed at the same moment a council board and a court of justice. For the twenty légistes of the Parliament of Paris, counterparts may be found in the Clerks of the Council in England.

But the légistes did not long content themselves with that humble position. The barons, the bishops, and the knights of the Parliament of Paris were beset with difficulties precisely similar to those which (as we have seen) had perplexed the judges of the seigniorial courts. They were rescued from them by the same hazardous remedy. The conseiller clerc, as he was called, brought with him to the parliament, the same humble aspect as that which the lettered clerk had brought to the baronial tribunes, as a veil to the same aspiring ambition. He was always a scholar, and usually a churchman. He had been trained, probably at Bologna, in the study of the Roman law. He was an adept in conducting legal controversies through all their devious stages to their

legitimate close, and in deducing from those voluminous premises their just and logical conclusions. At first, the barons, knights, and prelates listened, or seemed to listen, composedly, to those sleep-compelling oracles; and pronounced, or seemed to pronounce, the sentences dictated to them. But ennui and ridicule (powers ever regarded in France with the liveliest abhorrence) proved in the Parliament of Paris a purge quite as effectual as that which Colonel Pride administered to the English House of Commons. The conseiller clercs were soon left to themselves, in due time to found, and to enjoy, what began to be called La Noblesse de la Robe.

Having thus assumed the government of the court, the légistes next proceeded to enlarge its jurisdiction. It had, as we have noticed, been at first convened, merely to take cognisance of complaints preferred to the king against the misconduct of his officers, political or judicial. But legal astuteness could not long be confined within such narrow limits.

The earliest recorded invention of the conseiller clercs was what, in the language of Westminster Hall, would be called the writ of *committimus*. It was a royal licence, which authorised a person complaining of a grievance cognisable in any of the royal courts, to overleap those ordinary jurisdictions, and to prefer his complaint to the parliament at once. When this innovation had been firmly established, the légistes proceeded to promulgate the doctrine that, even without a special committimus, all prelates were entitled to this privilege; a right which, if I mistake not, was afterwards admitted in favour of the greater barons also. And, lastly, the lawyers maintained, that the wrong decision of a judge being equally injurious to the suitor, whether the error

was wilful or unintentional, the grievance must, in either case, be equally remediable by a parliament expressly convened for the redress of *all* grievances inflicted on the king's subjects by his judicial officers. In other words, they established the rule, that the court in which they served could entertain *appeals*, in the proper sense of that word, from all the other courts within the royal domain.

By these astute constructions of the law, the Parliament had, in the beginning of the 14th century, become the supreme legal tribunal within the whole of that part of France which was at that time attached to the Crown. In all the other parts of the kingdom, the seigniorial courts retained the whole of their ancient jurisdiction, excepting only, *first*, when suits were evoked from them to the royal courts, as cas royaux; and, *secondly*, when any such suits were brought, in the first instance, before the parliament by the writ of committimus.

Having thus enlarged the range of its jurisdiction, the Parliament of Paris next advanced to the increase and consolidation of its powers. The measures taken with that view may be arranged under the nine following heads: —

First. With a view to that apportionment of duties which is essential to the combined and energetic action of the members of any corporate body, the Parliament was divided, in the reign of Philippe le Bel, into three chambers; that is, the Chambre des Requêtes, which took cognisance of all original suits; the Chambre des Enquêtes, where all appeals were prepared for adjudication; and the Great Chamber, where such appeals were actually adjudicated. From this third chamber the légistes were, at this period, excluded.

Secondly. The royal council had always been a migratory body, because it was always bound to attend the king in person. But though the parliament was (as has been seen), to a certain extent, identical with the royal council, it became sedentary in the year 1319. From that time it met at Paris, and there only.

Thirdly. In the reign of Philippe the Long, this identity or union of the royal council and of the parliament was virtually, though not formally, dissolved, and each of them, thenceforward, existed as a substantive and distinct body in the state. Every member of parliament was then bound to a constant residence in Paris, except during the regular parliamentary vacations. I am aware of no proof that this innovation originated with the légistes. But the case is probably so, because the effect of the change was immediately to elevate their own order to the supremacy which they ever afterwards enjoyed in that tribunal. No prelate, except the Archbishop of Paris, could any longer retain his place there, for no other prelate could fix his permanent abode in the capital. For the same reason the greater number of the most powerful of the baronial members became disqualified, and the lawyers thus found themselves in undisputed possession of the supreme court of justice in the royal domain.

Fourthly. They sat there, originally, by the simple nomination of the king, and during his pleasure; but, as early as the year 1345, the practice was introduced, of appointing the parliamentary councillors, as they were now called, for life. They received annual stipends, and their number was limited.

Fifthly. Ere long the Crown made a yet further concession in their favour. As vacancies on the

bench occurred, candidates for the succession were proposed to the king by the remaining councillors, and it became a settled practice to make the choice out of that list of candidates. This statement applies only to the regular or stipendiary members. The number of honorary members was unlimited, and usually included many persons of high rank. But in those days such persons, as a matter of course, absented themselves from the obscure labours of a judicial tribunal.

Sixthly. Thus far the innovations in the character and composition of the Parliament of Paris were not ill adapted to secure the independence of the judges, and to invigorate their activity. But in the disastrous reign of Charles VI. occurred a change of a very different tendency. At that time a seat in the parliament was converted from a tenure for life into an inheritance. The study of the law, with a view to the judicial administration of it, thenceforward became the exclusive patrimonial privilege of a certain number of families. A new order of nobility thus made its appearance. The magisterial noblesse asserted, if not an equality of rank, at least an equality of rights, with the feudal and military nobles. In the royal ordinances promulgated during two hundred years next succeeding the middle of the 14th century, may be traced the successive advances made by the parliamentary councillors towards these aristocratic privileges. Without pausing to enumerate the fiscal burdens from which they were thus exempted, it may be generally stated that they were at length delivered from all those which it was the peculiar fate and hardship of the roturiers to sustain.

Seventhly. And as the councillors of the Parliament

of Paris thus fortified their position, so they continually enlarged the range of their judicial authority. The writ of committimus was brought within the reach of suitors of low degree, instead of being denied, as at first, to all persons below episcopal or noble rank. The appellate jurisdiction was extended to the decisions, not only of the university tribunals, but, in many cases, to those of the ecclesiastical courts also. Even the Chambre des Comptes was compelled to receive a certain number of parliamentary councillors as their assessors in hearing complaints against their own judgments, from those public accountants whose receipts and payments were audited there.

Eighthly. The parliament, with more or less success, proceeded to usurp some of the functions of the executive government. I do not, however, pause to recapitulate those attempts, because they were finally repressed by the strong hand of Charles VII. and his immediate successors.

Ninthly. The establishment of the grands jours made a great accession to the more appropriate powers of the parliament. By grands jours were meant assizes held, or commissions of inquiry executed, by a certain number of the parliamentary councillors, at the great cities, within the local limits of their jurisdiction. The Ordonnance de Blois required that such assizes should be holden annually. But, in fact, they took place at uncertain and infrequent intervals. The parliamentary commissioners holding them were charged with duties not strictly judicial, but rather resembling those of the missi dominici of Charlemagne, or those of the baillis of a later age. For example, they held inquests to ascertain whether the laws were properly observed,

whether the officers of the Crown were faithfully discharging their duties, and whether there were any public abuses demanding correction. Even towards the close of the 18th century such inquests were not entirely obsolete.

While the parliament was thus developing its powers and enlarging its privileges, three other judicial revolutions were in active, though silent, progress. The first was the gradual elevation of the royal courts of the baillis and prévôts; the second was the continual depression of the hereditary feudal jurisdictions; the third was the growth of the provincial parliaments.

First, like satellites obeying the impulse and pursuing the orbit of their central body, the royal courts followed the progress of the parliament to which they were subordinate. Thus, originally, the seneschals and baillis had been appointed by the king at his own discretion. But, in the 16th century, they were selected by the king from a list of candidates presented to him by the parliament. Thus, also, the baillis, though always seigneurs of high rank, and never professional lawyers, had originally been accustomed to preside in person in their own courts. But now they were first permitted, and then required, to execute their judicial functions by substituting for themselves deputies learned in the law. Early in the 16th century, those learned deputies had entirely superseded their unlearned principals on the judgment-seat; and, when the courts of the baillis had received this new character, a royal edict of the year 1536, for the first time, distinctly defined the range of their jurisdiction. With some exceptions, which I do not pause to enumerate, that jurisdiction was declared to extend over almost all questions, civil or criminal, of which the

cognisance belongs to any secular tribunal; though subject, of course, to the appellate authority of the parliament.

The baillis, or deputy baillis, had always been aided by assessors or peers, or, as they might with little inaccuracy have been called, jurors, taken from the body of the people. But, in the 16th century, this popular element in the composition of these courts was superseded. The change was brought about under the convenient shelter of new appellations. Courts differing little, if at all, from those of the baillis, except in name and in rank, were appointed by the king with the title of siéges presidentiaux, or presidencies. The substantial difference was, that the president was aided, neither by assessors, nor peers, nor jurors, but by stipendiary and permanent judges. The new institution, or rather the new name, gradually took the place of the old. The presidencies, like the parliaments, administered justice scientifically, and without any infusion of the public voice or sentiment. Ere long the mention of baillis disappears from the judicial history of France, although, under the name of presidencies, they were in fact perpetuated until a comparatively recent period.

The courts of the prévôts were, in the same manner, brought into harmony with the supreme or parliamentary judicature. They had originally been established for the trial of minor cases, and especially of cases affecting the roturiers. But the sphere of the prévôtal courts was now enlarged. Their appointment proceeded no longer from the Crown, but from the sénéchals and baillis; and every prévôt was required to summon as his assessors, not peers or jurors taken from the people at large, but persons who had graduated in the law.

Secondly. The next consequence of the growth of the powers and privileges of the parliament was the depression of the seigniorial or hereditary jurisdictions.

Francis I. had purchased from some of the heritors of these rights in the city of Paris a renunciation of them for money. But the royal purse was a far less effective instrument of their overthrow than the subtlety of the lawyers. They argued that every such jurisdiction must at first have been acquired either by usurpation, or by a royal grant. If by usurpation, it was void *ab origine*, and no lapse of time could remedy that inherent vice in the title. If by royal grant, then the grantee had been merely a royal officer, the delegate of the king's authority. But the king's delegate was bound by the feudal law to do homage in respect of any office holden by him under such a delegation. Therefore all seigneurs must do homage on account of their patrimonial jurisdictions; that is, they must acknowledge the subordination of their courts to the courts of their suzerain.

The practical results of this doctrine justified the sagacity which had discovered and promulgated it. For, first, the king forbade the seigneur to preside in his court in his own person. Secondly, he commanded him to appoint and to pay a deputy to be approved by the king himself. Thirdly, the seigneur was declared to be personally responsible for the damages which any one might sustain by the judicial misconduct of his deputy. Fourthly, he was also declared liable for the support of the prisons and court-house within his seigneurie; and, lastly, it was provided that if a royal and seigniorial court should

both have their seats within the same parish, they were not to sit simultaneously, but by triennial alternations. All the inferior Seigneurs were thus (so to speak) *legislated out of* their hereditary judicatures. The right of *justice* was rendered not only a worthless but a burdensome privilege. Still, however, not a few noble and princely houses still retained, in the 17th and 18th centuries, these judicial rights, which acquired an imaginary value by their increasing rarity, and which attested the patrimonial wealth and dignity of which those houses were the actual occupiers and the legitimate inheritors.

The third judicial revolution which I have mentioned as coincident with the growth of the powers of the Parliament of Paris, is the development of the Provincial Parliaments.

Whatever I have hitherto offered respecting the jurisdiction of the Parliament of Paris, must be understood as referring only to that part of France which was included within the royal domain. Though it constituted by far the largest fief in the kingdom, yet many of the most important provinces of France lay beyond its limits, and acknowledged the great feudatories of the Crown as their sovereign princes. But, in the 14th century, the royal domain had, by successive conquests, been enlarged to more than twice its original extent. The great provinces of Normandy and Languedoc were at that period incorporated in it; and a new question arose, to be debated indeed by lawyers, but to be decided only by princes. That question was, whether the supreme tribunals of Normandy and Languedoc had not, in consequence of the annexation of those provinces to the Crown, become royal courts; and whether, therefore, their judgments, in common with those of all other royal

courts, might not be brought by appeal before the Parliament of Paris for revision and amendment?

It would be beside my present object to pursue the details of that controversy. I will confine myself to the attempt to indicate, under the six following heads, what was at length the position taken by these, and by the other provincial parliaments, in the judicial system of France.

First. The most celebrated of those bodies is the Parliament of Toulouse. It was created by Philippe le Bel; and in his time it embraced Guienne, Languedoc, and the whole of the country to the south of the Dordogne. Charles VII. finding that parliament in decay, re-established it with privileges and immunities corresponding with those of the parliament of Paris. After the lapse of eight years, the same monarch effected a judicial union between the two parliaments, — that is, the councillors of each were declared to be councillors in both; and this theoretical unity of the sovereign courts of the South and of the North became, in later times, the germ of the broader and more practical doctrine, that while each of the French parliaments was sovereign and supreme within its own precincts, they all collectively formed one great institution, the dispersed members of which enjoyed a perfect equality and intercommunity of rights.

Secondly. In 1472, Guienne, and several minor districts adjacent to the city of Bourdeaux, were subjected to the jurisdiction of a parliament then, for the first time, created in that city, and were withdrawn from the jurisdiction of the Parliament of Toulouse. The Parliaments of Dauphiné, of Burgundy, of Normandy, of Provence, of Brittany, and of Dombes, were all successively established in the 15th

and 16th centuries by Louis XI., by Charles VIII., by Louis XII., by Francis I., and by Charles IX. In the following century, Louis XIII. created parliaments in Béarn and in the Three Bishoprics; and Louis XIV. was the author of *similar* institutions in French Flanders, in Franche-Comté, in Alsace, in Roussillon, and in Artois. But though *similar* to the rest, the institutions of Louis XIV. did not enjoy the rank, and did not bear the name, of parliaments. They were called sovereign councils or provincial councils. There was, however, no substantial difference between the various supreme provincial judicatures of France, except such as resulted from the inflexible varieties of their various local circumstances.

Thirdly. All the parliaments of France were *sovereign;* that is, each of them was supreme over all other royal courts within its appropriate precincts, and was itself exempt from the control of any appellate tribunal. The judgments in each of them were executed in every part of the kingdom *proprio vigore;* that is, without being affirmed by the local court of any other province. Eventually it was decided by practice, if not in theory, that no appeal would lie even to the Parliament of Paris from any judgment of any Provincial Parliament.

Fourthly. The institution of a sovereign court in any part of France came to be considered as the proper and indispensable recognition of the fact, that the territories over which it administered justice had been finally annexed to the French Crown, in derogation of any other sovereignty, whether feudal or foreign.

Fifthly. All these parliaments, though instituted by the king, were considered as the official protectors

of the rights and independence of their respective provinces.

Sixthly, and finally. The system of administering justice in the Parliament of Paris, and all the judicial rights, powers, and privileges of that body, belonged, in all their force and integrity, to all the other sovereign parliaments of the realm, though subject to variations originating in local and peculiar causes.

In the age of Louis XIV., therefore, France possessed a judicial system characterised by a remarkable uniformity in all the provinces of the kingdom, and by a no less remarkable subordination within each province of the several ranks of the judicial hierarchy to each other. Every reader of French history is, however, aware of the very prominent place which it assigns to the parliaments, and especially to the Parliament of Paris, in the political events, and especially in the political controversies, of the reigns of the family of the House of Bourbon. It remains for us, therefore, to inquire, What were the motives, and what the effects, of these habitual departures of the magistracy from what we in England should consider as their only appropriate duties?

Before I attempt a more direct answer to that question, I would direct your notice to a peculiarity in the French jurisprudence for which our own habits of thought and action do not prepare us. I refer to the Ministère Publique. No one can rightly appreciate the conduct of the French parliaments who is not in some degree conversant with the nature of that institution.

Originally, the enforcement of the penal law, and the protection of the rights of the Crown or of Society at large, belonged to the seigneur and his vassals in the fiefs, and to the seneschal and the king's vassals

in the royal domain. The judges of those feudal courts were also the conservators of the public peace, of the revenue, and of all the other public rights within their respective precincts. But when those tribunals were superseded by the royal courts, all such functions were transferred to the advocates of the king, and, in subordination to them, to the royal procureurs or solicitors. As early as the year 1354, the principal of these advocates appears to have borne the title of Procureur Général. He was the chief of what was called the Parquet, that is, of a body of advocates and procureurs specially engaged to represent his person, and to execute his orders in any tribunals in which he could not himself be principally present. The Procureur Général and his substitutes were collectively called the Ministère Publique.

The functions of this great officer were alike high and arduous. He was the universal public prosecutor. Before any adjudication of the court to which he was attached, he delivered his conclusions; that is, he demanded a judgment in such terms as in his opinion the law sanctioned, and the public interest required. Therefore, if in any private suit, the litigants concurred either in asking a sentence which the law forbade, or in deprecating a sentence which the law enjoined, the procureur général by his conclusions resisted them both, in the interest, as it was expressed, of the law itself. To the ministère publique also belonged many extra-judicial functions. They were examiners of weights and measures. They had a surveillance over certain parts of the police. They occasionally ratified the bye-laws of incorporated guilds. They were protectors of the royal revenue, and consequently exercised some degree of influence in every branch of the administration of public

affairs. The procureur général, as the head of this great ministry, was considered not only as a member of the Parliament of Paris, but as its most powerful member; and, under the shelter of his great though indefinite authority, the Parliament were continually enabled to prefer, and were sometimes successful in establishing, their own political pretensions.

Those pretensions were not destitute of some plausible basis, as indeed, in the modern European world, Might has always rendered to Right the homage of abstaining from a naked and avowed usurpation.

When the kings of France originally made laws for the government of the royal domain it was, as I have already observed, in an assembly of the great vassals of the Crown, and with their concurrence. If the king proposed to that assembly a law which the vassals disapproved, the language in which they expressed their dissent would, in the phraseology of those days, have been called a remonstrance. But in the Middle Ages the word rémontrer did not mean to complain of an injury, but rather to represent, or bring under consideration, suggestions on any proposal.

But at the period when the Parliament of Paris was acquiring its peculiar character as a court of justice, the meetings of the great vassals of the Crown, to co-operate with the king in legislation, were falling into disuse. The king, as I have already explained, had begun to originate laws without their sanction; and the parliament, not without some show of reason, assumed that the right of remonstrance, formerly enjoyed by the great vassals, had now passed to themselves.

For it was a principle admitted, I think, without exception by every French king and minister in his

turn, that the parliament were neither bound, nor at liberty, to execute any royal ordinance unless it had first been communicated to them and registered among their records. Before the art of printing was in use, it was scarcely a fiction to say, that a court of justice was and must be ignorant of any ordinance which had not been first read over to them, and then deposited in their archives for facility of reference.

When any such ordinance was thus communicated to the parliament, they, if dissatisfied with it, answered the communication by a "remonstrance" in the sense which I have already given to that word. If their remonstrance was disregarded, their next step was to request that the projected law might be withdrawn. If that request was unheeded, they at length formally declined to register it among their records.

Such refusals were sometimes, but were not usually, successful. In most instances they provoked from the king a peremptory order for the immediate registration of his ordinance. To such orders the parliament generally submitted; but, even in that case, the arrêt for registering the law was usually prefaced by a preamble explaining, that it had been pronounced in submission to the king's express commandment. The act of obedience was thus accompanied by a protest against the compulsion by which it had been enforced; and thus, even when the right of resistance did not actually prevail, it was at least asserted; and, by every new assertion of it, that right (as it was supposed) acquired additional strength.

To fortify themselves in this contest, and to enlist public opinion on their side, the parliament maintained the doctrine, that amongst the laws of the realm some might be distinguished from the rest as being elementary and fundamental; and they ascribed

to themselves the character of guardians of those fundamental rights during the long intervals which separated from each other the sessions of the States General.

But an effective veto on all royal ordinances, though the chief, was not the only, political power with which law or custom had invested them.

For first, they were, to a certain extent, legislators in their own persons. The royal laws which they were bound to execute were often defective, and it became an established maxim, that, in order to give efficiency to any such law, the parliament might promulgate arrêts for supplying such omissions. Those supplementary arrêts were, indeed, provisional only, until the defect of the existing law should be supplied by the king himself; and it was always in the power of the king to abrogate or disallow them. But, notwithstanding these restrictions, the right of making such arrêts was a political privilege of no light significance.

Secondly. As often as any Papal Bull was sanctioned by the king, it became a part of the law of France to be enforced by the ordinary tribunals. Every such Bull was, therefore, sent to the parliament for registration, and, by resisting or remonstrating against the registration of it, the parliament not only established the right of intervening in all ecclesiastical affairs, but succeeded in investing themselves, in popular esteem, with the high office of protectors of the liberties of the Gallican Church.

Thirdly. They also established a right to interpose in diplomatic questions; for treaties with foreign powers being incorporated into that part of the Jus Gentium to which the parliaments were bound to give effect, were also supposed to require a parlia-

mentary registration. They, therefore, not seldom provoked remonstrances and refusals from that high tribunal. It must, however, be added, that, in the exercise of this power, the conflict between the Parliament and the Crown was sometimes nothing better than a comedy. For example, when Francis I. had signed the humiliating treaty of Madrid, he laid it before all the parliaments of France, who all refused to register it, or to acknowledge its validity, because, as they alleged, no king of France had a right to bind himself and his people to such a dismemberment of the realm. Nothing could exceed the meekness with which the haughty monarch for once bowed to a rebuke which narrowed his own prerogative. To be absolved from an unwelcome engagement to which his Christian faith and royal honour had been pledged, even the acknowledgment of the controlling authority of a company of long robed lawyers did not seem an excessive price. He was not always thus docile; for —

Fourthly. The parliament assumed the right to adjudicate as mediators between all the other powers of the state, and that mediation was usually accepted except when the king himself was engaged in any such controversy. When, however, the parliament attempted thus to define the limits of the prerogatives of Francis I., he indignantly told them that they were attempting to debase him to the condition of a Doge of Venice, and to raise themselves to the rank of Venetian senators.

From that age till the subversion of the monarchy there was a constant succession of conflicts between the king and the parliament with an invariable sameness in the result. Thus Henry II. assailed them by dividing the grand chamber into two bodies, which held alternate sessions of six months each. Charles IX. had recourse to the practice of holding Lits de

justice, where, by appearing in person in the parliament, he silenced all remonstrances to the registration of his edicts. Richelieu dismissed some refractory members and imprisoned others, and compelled the whole company, with bare heads and on their bended knees, to supplicate the king's forgiveness. The court, the princes, the populace, and the armies of Condé and Turenne dissolved that union of all the parliaments and sovereign courts of France, which, during the troubles of the Fronde, had menaced the kingdom with a new and strange revolution—a revolution by which the absolute dominion of the House of Bourbon would have been transferred to a company of hereditary magistrates. Louis XIV. never forgot or forgave the attempt. Clothed in his hunting dress, and (as it is usually added) with his whip in his hand, he presented himself to the Parliament of Paris, who, even more astonished by his costume than by his imperious tone, listened submissively to his commands to address to him no more remonstrances, but to confine themselves exclusively to the discharge of their judicial office. By letters patent of the year 1673, he directed that all the royal edicts and declarations should be registered at Paris in eight days, and at the seats of the other parliaments in six weeks from their date; and, until they had been so registered, all remonstrances against them were strictly prohibited. During all the remaining part of his long reign the French parliaments became simply courts of justice and nothing more.

The secret of their ill success in the attempt to elevate themselves to the highest rank amongst the members of the political commonwealth is immediately detected. They were an aristocracy elevated by learning, talents, and station above the

mass of the people, but an aristocracy which was at once obnoxious to the plebeian malignity of the many, and to the patrician haughtiness of the few. In the eyes of the nation at large, the parliamentary councillors were but a privileged caste, and their contests with the Crown were but so many selfish struggles for their own personal aggrandisement. And even in the judgment of many of the illustrious magistrates, of whom France is so justly proud, of L'Hôpital, of Molé, of Harlay, and of D'Aguesseau, the attempt of their colleagues to attract to the Parliament of Paris a large participation in the powers of the Crown, appeared at once hopeless of success and most disastrous if successful. To those great men it was evident, that the inevitable effect of the accomplishment of such a design must have been, not to rescue the nation from despotism, but to subject it to the most galling of all tyrannies, by uniting the legislative, administrative, and judicial powers in the hands of the same men, and of men totally disqualified by their education and their habits, either to legislate with wisdom, or to reign with magnanimity.

The preceding statements will, I trust, enable me to render intelligible in a few words the more precise answer, which it remains for me to return to the question with a view to which they have been chiefly made—the question namely, why did not the administration of justice contribute in France, as it contributed in England, to create and to maintain the national liberties?

First. Our land has ever lived under the dominion of law. By that power the physical force of the many, the formidable influence of the few, and the arbitrary will of the monarch, have ever been controlled with

more or less of energy and success. This dominion of the law was exercised, in the time of our Saxon progenitors, in the Folk-motes, the Shire-motes, and the Wittenage-motes. In our own times, it is exercised in our courts of justice, and in our high court of parliament. During more than a thousand years, our legal tribunals have been interposed between the various organs of the state, to vindicate the rights, and to arrest the encroachments, of them all. Throughout that long course of ages, those legal sanctuaries have been at once the bulwarks of order, and the strongholds of liberty in England. And to them it is to be ascribed that the English Parliaments have never fallen as the Cortes of Spain fell, and as the States General of France silently disappeared.

If, as I believe, this is a correct summary of the judicial history of England, it reverses with no less correctness the judicial history of France. For, first, the French judicatures were all erected on a feudal substratum. The king's seneschal and vassals in the royal domain—the seigneurs and their vassals in their respective fiefs—constituted the original tribunals of the whole kingdom. But they constituted, also, the deliberative and executive government, and the military staff of each fief, royal or seigniorial. They were bodies in which the people had no share, over which public opinion exercised no control, and the members of which were too numerous to feel any lively sense of individual responsibility. The baron who, at the head of his armed followers, was the terror of the vicinage, was not less formidable to his neighbour when he sat in his castle hall to administer justice. The code of his tribunal might be reduced to the old pithy compendium, "Si veut le Roi, si veut la Loi."

Secondly. As if to multiply securities for wrong, and to give full scope to prejudice, *justice* was regarded in those times, not as a sacred duty, but as a patrimonial inheritance. Like property of every other kind, it was considered by the owner as a legitimate means of personal gratification. No two ideas were ever more absurdly, or more perniciously, associated.

Thirdly. When the légistes employed their subtlety to usurp the functions and to improve the system of the feudal judges, they introduced into their courts all the arbitrary maxims which they had learned from the imperial and canonical codes. They rendered the administration of the law more scientific indeed, but they also rendered the law itself more subservient to the absolute powers of the Crown.

Fourthly. When the king at length interposed to supply the defects of the feudal judicatures, by the appointment of prévôts and baillis, he still united, in the persons of the higher of those officers — the baillis — the judicial, military, and political functions. In proportion as they were effective lieutenants of their sovereign, they were partial and inefficient dispensers of justice to the people. But,

Fifthly. The substitution of stipendiary and permanent assessors for the ancient peers or jurors, in the tribunals of the prévôts and baillis, still more effectually deprived those tribunals of all sympathy with the people at large, and of every tendency to nourish or vindicate popular or constitutional privileges.

Sixthly. The Parliament of Paris had, from its birth, an indestructible bias towards arbitrary power, because, as I have shown, it was originally identical with the council, which itself was the passive and helpless instrument of that power.

Seventhly. When the judicial authority of the parliament had passed from the grandees to the légistes, the légistes held it, not in virtue of any unequivocal right, which was openly acknowledged, but in virtue of a silent usurpation, which was studiously concealed. Like all other usurpers, the legal councillors of the parliament were timid innovators. They imitated the spirit and habits of their predecessors, because they desired to be confounded with them. They countenanced the assumption of legislative power by St. Louis and his successors,—gladly rendering their aid to the monarchical authority, on which the maintenance of their own was entirely dependent. There was, at all times, this kind of tacit compact between the kings and the parliaments of France, at the expense of the rights and franchises of the French people.

Eighthly. The multiplication and dispersion of the parliaments enfeebled the magistracy by dividing it. They never formed a single body, compact, unanimous, and invincible, like the twelve judges of England, when meeting on four terms in each year, beneath the same venerable roof of the hall at Westminster.

Ninthly. The judicial office became, in the persons of the parliamentary councillors, not only a property for life, but a property acquired by purchase. They, therefore, considered themselves on the bench as guardians of their own personal rights, and not exclusively as trustees and protectors of the rights of society at large.

Tenthly. The hereditary tenure of their office afterwards converted them into a company, which stood aloof from all other Frenchmen. They formed not a profession, but a caste. They became a

distinct noblesse. They were exempted from all the fiscal burdens of the great body of the people. Their sympathies were, therefore, not with the people, but against them,—not in favour of constitutional privileges, but of aristocratic rights, and of the rights of the king, as the source and shelter of their own aristocracy.

Eleventhly. The political character of the parliament made them continually oscillate between the sycophancy of royal power and the flattery of plebeian turbulence. Whoever has read the Memoirs of De Retz is aware that, in that great crisis of their history, the parliament were nothing better than the blind tools of the selfish nobles and mercenary demagogues, at whose bidding they waged war with the Court and with Mazarin.

Finally. Among the judges of the Parliament of Paris were at all times many of the best, the wisest, and the greatest men who had ever acted on the theatre of public affairs in France. They acted, however, on too wide a theatre. They appeared there in characters so numerous, incompatible, and even discordant, that the weight of their judicial authority was overbalanced by the weight of their other functions. They could not have fought successfully the battles of the constitution of the realm and of the franchises of the people, even had such been their wish, because they were at every moment compelled to defend their own very questionable pretensions. Nor if success in such a contest had been probable, would they have really wished to engage in it. The aristocracy of the robe had no alliance with any democracy of the jury box, and had no tendency either to promote or to defend democratic claims, in the triumph of which their own overthrow was evidently and unavoidably involved.

LECTURE IX.

ON THE INFLUENCE OF THE PRIVILEGED ORDERS ON THE MONARCHY OF FRANCE.

THAT England is indebted for the growth and maintenance of her constitutional liberties to none of her sons so much as to her privileged classes, noble and sacerdotal, is an opinion which, for the present, I must be satisfied to announce dogmatically, hoping that I shall hereafter find a convenient occasion for establishing it on solid and indisputable grounds. In the meantime I pass on to the inquiry which lies more directly in my path—the inquiry, How far the influence of the corresponding bodies in France contributed to subvert the Feudal Aristocracy, and why it was ineffectual to prevent the usurpation by the French Monarchs of an absolute and unlimited power?

As early as the Feudal Age, society in France was divided into the two classes of the Noblesse and the Roturiers. To the first of those classes belonged every tenant of a fief on military service. To the

second of them belonged every free tenant of land on services exigible either in money or in kind.

Within his fief every noble enjoyed, to a greater or a less extent, a sovereign authority; that is, he could make war, levy troops, raise taxes, coin money, and dispense justice; although, in the exercise of those powers, he was more or less amenable to the dominion, and subject to the control, of the king as suzerain of the whole realm.

This sovereign authority was, however, enjoyed in the highest degree by those nobles only who bore the title of peers of France; and that pre-eminent dignity, as we formerly saw, was first created by Louis VII. As in our days history is converted into romance, so in those days romance was converted into history. As the legend of Turpin (of which the archbishop of that name enjoys the unmerited credit) had surrounded the board of King Arthur with twelve knights, and the throne of Charlemagne with twelve paladins, so Louis VII., believing, or affecting to believe, those traditions, summoned to his parliament twelve councillors, each of whom was an immediate vassal of the Crown, and the holder of a fief lying *beyond* the precincts of the royal domain. On these councillors he conferred the high designation of peers of France. Six of them were ecclesiastics, the occupants for the time being of the archbishoprics of Rheims and of Sens, and of the bishoprics of Beauvais, of Meaux, of Noyon, and of Langres. The six original lay peers were the Dukes of Normandy, of Burgundy, and of Guienne, and the Counts of Flanders, of Vermandois, and of Toulouse. These great feudatories differed little, if at all, from independent princes. They acknowledged indeed, in theory, their obligation to render services to their king as

their liege lord. But they seldom, if ever, fulfilled it in fact. Especially, they were unaccustomed to perform the duty of attending at his feudal court or parliament. A memorable occasion, however, arose, on which Philippe Auguste required, and obtained, their assistance at that tribunal. It was on the trial of one of their own number, John, duke of Normandy and king of England, for the murder of his nephew Arthur. When that precedent had been once established, it was frequently followed. Sometimes the peers of France were convened by the king to act judicially. Sometimes they met at his summons, to concert with him, and with his other great Feudatories, such legislative or administrative measures as were designed to take effect throughout the whole kingdom. The laws made, or the resolves adopted, at such meetings were, in fact, *conventions* between the Peers, the Barons, and their Suzerain; and were executed by them in their several fiefs, not in obedience to the king's command, but in pursuance of their own compacts with him.

There was, however, one fatal obstacle to the permanency of this institution. It consisted in the continually increasing probability of the annexation to the Crown, either by conquest or by cession, of the lay fiefs, to which the dignity of the peerage was attached. As often as such an event might happen, the fief would lose its separate existence, and become absorbed into the ever-widening limits of the royal domain; while the peerages themselves would either become extinct, or would revert to the sovereign as the author of them.

In the reign of Philippe Auguste and of his successors, these events did actually occur. But in their desire to perpetuate the peerage of France,

those kings, as often as any such princely fief was added to their domain, annexed that dignity to the possession of other fiefs. Thus, for example, the duchies of Anjou and Bretagne and the county of Artois were elevated to this rank by Philippe le Bel. But the substitution was a nominal not a real equivalent. For in the days of Philippe le Bel, Anjou, Bretagne, and Artois were no longer independent feudal principalities. Each of them was, at that time, holden as an apanage by a near relative of the reigning monarch. The three new peers, therefore, owed to the king, as the head of their family, a subjection which the Dukes of Normandy, of Burgundy, and of Guienne would never have avowed, and an obedience which they would never have rendered. This first encroachment on the real powers of the peerage was quickly followed by others. Thus the number of the lay peers was first augmented from six to seven. Then it became customary to attach this honour to every new apanage which was created in favour of any other prince of the blood royal. At a later time it was bestowed, like an order of chivalry, on foreign sovereigns; as, for example, on the King of Scotland and the Duke of Cleves. Afterwards nobles of comparatively low degree, holding fiefs *within* the royal domain, were admitted to this high titular rank. At last it degenerated into a species of honorary distinction, which the Crown conferred sometimes as appurtenant to certain lands, and sometimes as attaching merely to the person of the grantee during his life.

By these methods the peerage of France descended from the rank of a power in the state balancing the power of the Crown, until it had become little or nothing more than an embellishment of some illus-

trious families, or a mere badge of royal favour and of courtly etiquette.

Next in the aristocratic hierarchy to the peers of France, but next with a long interval, were the peers of the royal domain. They also were the immediate vassals of the king on military tenures, but they were his vassals not as king of the realm, but as duke of the duchy, of France. Subordinate to these, and of much lower degree, were the throng of seigneurs, distinguished from each other by countless gradations of rank and inequalities of power, the result either of the comparative importance of their fiefs, or of the different conditions on which those fiefs had originally been granted. As early as the 13th century, the policy of assailing and crushing this seigniorial phalanx had passed into a traditional maxim of the Capetian monarchs. How, under the guidance of that maxim, those monarchs prohibited private wars and trial by battle, and established communes or bourgeoisies, I attempted to explain in two former lectures. Philippe Auguste pursued the same design by abolishing the Droit de Parage; that is, by acknowledging none but the eldest of the sons of a deceased seigneur as an *immediate* vassal of the Crown, in respect of any part of the paternal seigneurie. Philippe le Bel aimed a still deadlier blow at their power, by depriving all future grantees of heritable lands of the three chief feudal rights; that is, of the haute justice, of the power of sub-infeudation, and of the right of ecclesiastical patronage. But the fatal wound was inflicted by Louis XI. To him is chiefly due the praise, or the reproach, of having made the noble, separable from the seigniorial rank. Precedents were not, indeed, altogether wanting to justify that innovation. But *he* first granted

patents of nobility, not only to roturiers of low degree and of base callings, but even to whole classes of men. Charles IX. improved on this example. He sold such patents by the score. Henry III. advanced further still. He brought to market not less than 1000 of them in the single year 1576. In a nobler spirit, as became him, but with results not dissimilar, Richelieu offered nobility as an inducement to men of wealth to establish commercial companies, and to embark in other expensive and hazardous public undertakings.

Thus the same fate befel both the peers of France and the seigneurs of France. The honours of each of those bodies first became the subject of royal patronage, and then were multiplied so profusely as to lose all their essential value. The greater and the smaller feudatories had alike, in earlier times, been the possessors of well ascertained rights, and the depositories of formidable powers. From age to age they had ineffectually resisted and deplored the decline and fall of those ancient prerogatives, until at length the time arrived, when the order of nobility itself was debased into a subject of court favour, and of mercenary patronage.

Yet, even in the midst of that debasement, nobility was something more than a mere titular distinction. Some substantial, or at least some highly valued, privileges still adhered to it. Thus every noble was exempt from all ordinary taxes. He had the rights of the chase, from which all ignoble persons were excluded. Special laws were occasionally made to enable the nobles to redeem their forfeited mortgages, or to repurchase lands which had been sold for the payment of their debts. The law of succession to the estate of a deceased ancestor was more indulgent

to the claims of a noble than of an ignoble heir. In favour of the noblesse, many ecclesiastical benefices, many military commissions, and some public offices, were closed against all other candidates. And, finally, a certain part of the royal revenue was appropriated to the payment of pensions, in which the nobles alone participated.

It is, however, almost superfluous to say, that such advantages as these were the source, not of strength but of weakness. The possessors of them occupied the invidious position of burdens to the rest of society; nor did they relieve that odium by any important contributions to the public service. Under Richelieu, Mazarin, and the personal administration of Louis XIV., the nobles were, indeed, almost entirely excluded from any share in the conduct of public affairs; and though lavish of their blood in the field, they seldom won, even there, any other praise than that of heroic gallantry. Neither had they the power which every great body in the commonwealth derives from the unity and consolidation of its various members. The Noblesse, in the 17th century, was composed of many different and discordant elements—of nobles by birth—of nobles by patent—of nobles by office—and of nobles by franc-fief, that is, by the possession of certain lands to which that rank was inseparably annexed. These various sections of the patrician order, though possessing the same dignity and the same privileges, had nothing else in common; but regarded each other with a jealousy as acrimonious as that with which they were all regarded by the plebeian classes of society. I know not that a more curious and impressive proof could be given of the diminished importance of the most ancient hereditary seigneurs in the

reign of Louis XIV., than has been recently drawn by M. Dareste de la Chavanne from the arguments by which, at that time, they vindicated their ancestral claims to privilege and to honours. As that learned and laborious author has pointed out, De la Roque, their historian and apologist, resorted to various authorities, to show that Adam was the tenant of the world itself, as a fief holden by him as the immediate vassal of the Creator; and that the later feudatories were but so many holders of arrière fiefs, derived by sub-infeudation from that primæval title. St. Simon, and even Bossuet, appear to have lent their countenance to the kindred opinion, that the feudal rights were not a human, but a divine, institution. When relying no longer on their swords and their military retainers, the seigneurs rested their claims on such doctrines as these, it was evident that their strength had departed. When virtually acknowledging themselves to owe to the nation at large a defence of their privileges, they could acquit themselves of that obligation by no better arguments than were thus supplied by these zealous advocates, it was clear that their days were numbered.

I have purposely compressed into the narrowest possible compass, the statements I have to make in explanation of the impotence of the French Noblesse to prevent the usurpation by the House of Bourbon of an absolute and unlimited power, that I might leave myself the more space for explaining why the sacerdotal order was equally powerless.

The Gallican Church, in the earlier feudal times, enjoyed a large measure of independence, which may be considered, first, as internal; secondly, as judicial; and, thirdly, as financial.

Her *internal* independence, or self-government, con-

sisted, first, in the free capitular elections of her bishops and other great dignitaries; secondly, in her national synods, which met, deliberated, resolved, and promulgated their resolutions, without receiving or soliciting any royal or papal sanction; and, thirdly, in the control which she more or less directly exercised over all the secular powers of the kingdom. While every other influence was tending to resolve France into an incoherent assemblage of hostile states, the Church was the centre and the cementing principle of the national unity. While violence, oppression, and wrong held an otherwise undisputed dominion over the land, it was from that sacred shrine that order and justice proceeded on their mission of mercy to mankind.

Secondly. The *judicial* independence of the ancient Gallican Church was attested by the nature and the extent of her jurisdiction. No clerk in holy orders was amenable to any courts but hers, except when charged with capital offences. Those courts had also an exclusive cognisance of all cases of heresy and usury, and of all matrimonial and testamentary suits. To give effect to their sentences, the secular arm was always at their bidding.

Thirdly. The *financial* independence of the Church of France in the Feudal Age, rested on the ancient and then well established doctrine, that spiritual persons were not liable to pay tribute for the support of any of the civil governments or potentates of the world. Whatever they gave towards the exigencies of the king was in form at all times, and in reality at that time, a free and voluntary donation.

But notwithstanding this internal, judicial, and financial independence, the Ecclesiastical Hierarchy were in many respects dependent on the Feudal

Hierarchy. Six of the French prelates were (as we have already seen) peers of France, enjoying within their respective fiefs the same powers as the lay peers, and the same secular titles of dukes or counts. The temporalities of fourteen other sees were also holden of the Crown, either as immediate or as arrière fiefs. Many bishops, abbots, and other dignitaries held their endowments as vassals of feudal lords, and most of them bore the relation of lords to vassals of their own.

From this intimate connection of the churchmen with the feudal tenures of that age, resulted many restraints upom her freedom of action. First, as a relief was due to the seigneur on the accession of a new tenant to every *lay* fief, so, on the election of every bishop, or other ecclesiastical feudatory, the seigneur was entitled to a corresponding payment, which was called a régale. Secondly, as often as an ecclesiastical corporation, sole or aggregate, acquired any lands in perpetuity, the lord was prejudiced by the loss of those payments which, if the land had remained in the possession of lay men, would have accrued to him on the deaths or alienations of the tenants. For this loss he was entitled to a compensation, which was called the Droit d'Amortissement. Thirdly, the freedom of canonical elections was not a little restrained by what were called "recommendations;" that is, suggestions addressed by the seigneur suzerain to his ecclesiastical vassals, of the names of persons whom he wished to have preferred to vacant benefices. Fourthly, in some cases this seigniorial patronage was openly asserted by the lord, and admitted by his clerical vassals, as an absolute right; as when an abbey, or prebend, or chapelry, had been founded and endowed by the lord, or by his

ancestor. But, fifthly, it was chiefly in their character of protectors of the Church that the feudal seigneurs subjected it to a vexatious and oppressive control. For, as no churchman might either make war, or administer justice in capital cases in his own person, these indispensable offices were performed on his behalf either by the suzerain of his fief, who was then called his Avoué, or by some powerful chief in the neighbourhood of his church or abbey, who was then called its Vidame. For this service, the Avoué or Vidame sometimes extorted a recompense in the form of a territorial cession, and sometimes he inflicted on his clients wrongs as grievous as those which he had undertaken to avert.

But from these burdens the Church was at length emancipated; if indeed that term can, with any propriety, be applied to the forcible substitution of the royal for the feudal tyranny. It was a gradual and a tardy change, of which the foundations were first laid by Philippe Auguste. From all churchmen holding fiefs, or (as I understand the case) arrière fiefs, on military tenures, he exacted a pecuniary composition for those services in the field which they were unable to render in person. His successors gradually substituted the Crown as the universal protector of churches and monasteries in lieu of the avoués and vidames who had formerly sustained that office. From that usurpation the elastic logic of arbitrary power drew many momentous inferences. First, it was held that the price of the protection received by these ecclesiastical bodies was due to him who actually rendered it and to him alone. Consequently the tribute which, under the name of *mundium*, had been formerly paid to the seigniorial avoués and vidames, was lost to the seigneurs, and acquired

by the king. Next, it was inferred that the *régale*, or relief exigible on the election of every bishop or abbot, was payable, not to the immediate lord but to the royal protector of the episcopal or abbatial fief. Then the *droit d'amortissement* followed the new destination of the mundium and the régale. And, finally, this series of encroachments was completed by Louis XI., who transferred from the courts of his feudatories to his own royal courts the cognisance of all questions relating to the patronage of ecclesiastical benefices. Thus, step by step, the Gallican Church had, at the end of the 15th century, been extricated from her former dependence on the Feudal Hierarchy.

But the Popes had not been indifferent or inactive witnesses of these innovations. The genius of Hildebrand, the perseverance of his early successors, and the energy of Innocent III., were unintermittingly exerted to render Rome the seat and centre of a dominion more extensive and formidable than the empire which Julius had established, or than that which Trajan had administered. It was the object of their meditations by day, and of their visions by night, to destroy the freedom of canonical elections, to transfer to the Holy See the patronage of all the benefices of Christendom, and to centralise, at the Vatican, the judicial and financial administration of the whole ecclesiastical commonwealth. In this great enterprise the Papal monarchy triumphed for a while over the French monarchy, as the French monarchs had before triumphed over the Feudal oligarchy. The Gallican Church became, though for a short season, subject to the almost absolute sway of the Church of Rome. And yet the fruits of the conquest were not, eventually, to be gathered in by the conquerors. The freedom (internal, judicial, and financial) of the

Church of France was the prey of the Popes and of the French Kings in turn; but the spoil remained at last in the grasp, not of the Pontifical, but of the Royal, invader. The history of those revolutions may be traced in the collection of the ordinances promulgated under the Capetian dynasty. The time at my disposal will not allow me to advert to them, except so far as may be necessary to show how the kings of France encroached, first, on the internal independence, secondly, on the judicial franchises, and, thirdly, on the financial liberties of the Gallican Church.

First, therefore, I will attempt (however briefly), to indicate what were the encroachments of the French kings on the internal independence of the Church of France.

When Bossuet proposed, and the French clergy adopted, the declaration that the Pope had no authority, direct or indirect, in temporal matters, they seemed to be laying down a rule; but they were, in fact, only raising the question which is suggested by every enactment of those ordinances on ecclesiastical subjects, What is the distinction between things temporal and things spiritual? It is a distinction which can never be accurately drawn in words, for the simple reason that it has no such accurate existence in fact. No human interest is exclusively temporal, and none is exclusively spiritual. The holy and the profane states have many provinces in common, and have no provinces which are not intermixed or conterminous. What the Author of our existence has thus joined together, man cannot put asunder. In simple times, and remote ages, he did not even make the attempt. The priestly and the kingly office were then the same. The Imperator

was also the Pontifex Maximus. In teaching that the Church and the State are properly convertible terms, Mr. Coleridge and Dr. Arnold announced no new discovery, but merely recorded, or revived, an ancient tradition.

In the Christian world, however, the administration of the Ecclesiastical and the Civil governments ever has been, and must ever remain, in different hands; and each of those two powers has ever exhibited, and will, perhaps, never cease to exhibit, the propensity to enlarge, at the expense of the other, the indefinite limits of its own appropriate dominion. And thus the history of France is a record of the efforts made, not less by the worthiest, than by the least worthy, of her kings, to substitute the royal will for the internal freedom which belonged to the Church of their realms, as a part of her ancient and sacred inheritance.

Of all those princes, St. Louis was the most upright and sincere. But if he had been the most crafty, he would scarcely have expunged a word from his Pragmatic Sanction. It declared the right of every chapter, cathedral or abbatial, freely to elect its own head and dignitaries, and the right of each patron freely to collate to his own benefices. Nothing could be more just and liberal; nothing could more directly oppose the pretensions of the Court of Rome; but nothing, it must be added, could more effectually countenance the royal claims of the pious legislator himself. Thenceforward, indeed, no papal missives could direct how a vacant see or abbey should be filled. But the seigneur's right, or habit, of addressing to a chapter recommendations of some favoured candidate survived the Pragmatic Sanction of St. Louis. Now such was, at that time, the number of

the seigneuries absorbed in the royal domain, and such was the increase of the royal authority over the seigneurs whose fiefs lay beyond it, that the edict, which, in appearance, restored the seigniorial influence in elections and collations, did in reality but enlarge the influence over them of the royal legislator himself.

After the death of St. Louis, arrived those periods in which the judicial blindness of the successors of St. Peter prepared the way for the great Reformation. That worldly wisdom, of which they so justly boast, never failed them more than when they transferred the apostolic chair from Rome to Avignon. During their long exile from the banks of the Tiber to those of the Rhone, the Popes yielded to the French kings a submission almost as absolute as that which is rendered to the Turkish emperor by the Patriarch of Constantinople. In that period the captive pontiffs were sometimes overawed, and sometimes seduced, into recognising the royal right of presentation to almost all the benefices of France not belonging to private patrons.

The same papal infatuation next exhibited itself in the great Schism. At that time, and by a skilful use of the authority which that Schism conferred on them, the French monarchs made other conquests over the enfeebled Papacy. Then it was that the Popes admitted the right of the secular courts to adjudicate on questions relating to benefices and capitular elections. And then also was obtained by the kings of France the yet more important advantage of being left in the exclusive possession of the right, or at least of the power, to convoke synods of the national clergy. It is difficult or impossible to say when that right was first asserted by them, but

it is well ascertained that, from the time of the great Schism, they invariably and successfully maintained it.

The next great occurrences in the history of the Church of Rome are the Councils of Constance and of Basil. Under the shelter of their Cis-Alpine decrees, and under the guidance of John Gerson, whom most of the fathers at Constance had revered as their leader, Charles VII. promulgated the Pragmatic Sanction of Bourges. It provided for the freedom of canonical elections; that is, for their freedom, not from royal but from papal interference. It forbad the acceptance of any bulls on that subject, or on the subject of the collation to benefices. It excluded all aliens from ecclesiastical preferments in France; and it authorised an appeal from any future decisions of the Court of Rome to the next œcumenical council.

To these provisions of the edict of Charles VII. was given the much boasted, though very equivocal, title of the liberties of the Gallican Church. But to the son and successor of Charles no liberties were welcome, nor any advantages of much account, unless they were acquired by guile, and supported by the mysterious policy in which he delighted and excelled.

Louis XI., therefore, revoked the Pragmatic Sanction of Bourges, and seemed, at least, to abandon every position which had been taken by his father against the encroachments of the Roman Pontiffs. And yet, in reality, he stipulated for, and obtained, the enjoyment of powers hardly less extensive than those which he so renounced. No ingenuity will now, perhaps, be sufficient to unravel the intricate web of his negotiations on this subject. The most probable explanation of them is, that Louis acted in this as on most other affairs under the guidance of his two master passions, his superstitious dread of the powers of the

world to come, and his insatiable thirst for aggrandisement in this world of shadows. At once to propitiate, and to outwit, the bearer of the keys of Paradise, was precisely the kind of success which would have been most grateful to that astute and circuitous understanding.

Be this as it may, his two immediate successors seem to have laboured, long and fruitlessly, to discover what were the rights, and what were the powers, which he had transmitted to them for the internal government of the Church of France. In the reign of Francis I., however, every such doubt was effectually dispelled. His concordat with Leo X. was nothing less than the immolation of the liberties of the Gallican Church to the interests of her temporal and spiritual sovereigns. On the one hand, the kings of France, since the Councils of Constance and of Basil, had maintained the superiority of such councils to the Pope, and had asserted their own right to demand periodical convocations of them. These claims Francis abandoned to Leo. On the other hand, the Popes had perseveringly asserted, at least in words, an indefeasible right to nominate bishops to every vacant see, and to appoint to every other ecclesiastical dignity. This right Leo abandoned to Francis, reserving to the Court of Rome nothing more than a formal and ineffectual veto on the royal nominations. From that time forward, the superior clergy of France ceasing to be either elective, or feudal, or pontifical, became exclusively monarchical. To the present hour, the concordat of Francis I. continues to form the basis of the relations between the Papacy and the French Government. The heads of that government, whether royal, imperial, or republican, have ever since bestowed on their friends those sacred

offices which, under the two first dynasties, and under the early Capetian princes, were the rewards of a real or a supposed pre-eminence in piety and learning.

We may, I think, condemn without reserve the selfish policy which thus despoiled the Gallican Church of her freedom of holding national synods, of electing ecclesiastical dignitaries, and of collating to vacant benefices. But the further encroachments on her liberties admit of much more apology, if not, indeed, of a conclusive defence. The most considerable of them is that great innovation which interposed the Crown as the necessary channel of intercourse between the Pope and the whole ecclesiastical body of France. When Boniface VIII. promulgated a bull requiring the attendance of the French prelates at Rome, Philippe le Bel answered by an edict forbidding them to go beyond the limits of his own dominions. From that time it became, first, a favourite opinion, and afterwards an absolute and fundamental maxim, of the French jurists, that no pontifical bull, or brief, or other mandate, was binding on any Frenchman unless it had been, nor until it had been, expressly ratified by the king of France. Amongst the many proofs which the collection of royal edicts might supply of the general acceptance of this doctrine, I confine myself to those which were enacted by the evasive and superstitious Louis XI. Subservient as he was to the Papal Court, he yet appointed a commissioner to ascertain, by the inspection of all documents which might be received from Rome in the diocese of Amiens, whether they were, in any respect, repugnant to the laws of the realm. He forbad any papal legate to exercise, within the kingdom, any powers to which his own sanction had not been first given. And he proclaimed the actual nullity within

France, of every adjudication of the Court of Rome, even on subjects within their admitted competency, unless such judgments had been inspected by himself, and confirmed by his own authority. At a later period, when Julius II. made his extravagant declaration of war against Louis XII., and enlisted the whole clergy of France in the cause and quarrel of their temporal sovereign, this principle of law grew into a popular passion. Such, indeed, was the strength of that passion, that Francis I., heedless as he was of the ecclesiastical rights of his people, found it necessary to stipulate, in his concordat with Leo, for the continuance of this royal veto on the enforcement of any papal bull or brief within his dominions.

Most Protestants will applaud, and but few Roman Catholics will strongly condemn, this interposition of the Crown between the Papacy and the National Church of France. Yet it was an infringement of her internal liberties which could be justified only by the preceding unjustifiable invasions of them. Had she been permitted to retain her ancient rights of episcopal elections, and of convoking independent synods, she would have had the means, and would scarcely have wanted the will, to oppose to every usurping rescript from Rome a resistance quite as effectual as that of the royal veto, and far more constitutional. The kings of France having despoiled the Gallican Church of her powers of self-defence, found in her defenceless state the apology for intercepting her intercourse with the pontiff whom they, as well as she, acknowledged to be her spiritual head on earth. The one anomaly begat the other; but injustice does not cease to be injustice because a preceding wrong has rendered it convenient or inevitable. When reduced to the dilemma of an absolute

servitude to her ecclesiastical monarch, or of an increased servitude to her temporal monarch, the Gallican Church wisely preferred or acquiesced in the latter as the lighter evil of the two. But to have reduced her to that dilemma, or to have retained her in it, was not on that account the less an unrighteous usurpation.

Such having been the encroachments made by the kings of France on the *internal* independence of the Gallican Church, I pass, secondly, to the consideration of the encroachments which they made on her *judicial* franchises.

The jurisdiction of the French ecclesiastical courts was originally of great extent. In addition to the powers which I have already mentioned, they had cognisance of almost all cases under the plea of what was called connexité; that is, if a suitor complained, not only that his rights were infringed, but that, in the infringement of them, his adversary had been guilty of *sin*, the spiritual tribunal became entitled, by reason of that alleged connection of the violation of the divine and of the human law, to entertain the suit. For Innocent III. had taught that, as the guardian of the law of God, the Church might require every one who had offended against it to answer at her bar for his transgression.

This subtlety would probably have availed little, or not at all, if the ecclesiastical tribunals had not, in those times, excelled all others in the simplicity of their procedure, in the equity of their laws, and in the wisdom and impartiality of their judges. In the 12th century, and at the commencement of the 13th, they therefore enjoyed the utmost popular favour, and continually enlarged the sphere of their jurisdiction.

But (as I have already observed) the judgments of the ecclesiastical courts, when affecting the persons or property of the suitors, were referred to the secular arm for execution. The Church had none but spiritual weapons in her own arsenal. She could excommunicate, or withhold the sacraments, or refuse absolution, but she could neither fine, imprison, torture, or kill, *proprio vigore*. When she denounced such penalties, she was dependent on the temporal power for the enforcement of them.

But, in denouncing such penalties, the Church transgressed the limits of her own high and holy office, and of that transgression she received the appropriate recompense. When some of the bishops of St. Louis applied to him to carry into effect punishments which they had denounced against certain wrong-doers, his wise and equitable answer was, that he could not confirm any sentence, and so make himself responsible for it, until he had first satisfied himself of its justice. Thus, by invoking the aid of the arm of flesh, the spiritual courts afforded to the royal judges not merely a pretext, but a justification, for reviewing their decisions in spiritual matters. By encroaching on the province of the secular tribunals, they enabled those tribunals to make an irresistible encroachment upon their own appropriate sphere of action.

In the following century, the right of the prévôts and baillis of France to correct or reverse the sentences of the bishops, or their vicars, was much agitated; and, to resolve it, Philippe de Valois convened a mixed assembly of municipal lawyers and of canonists. They decided that the king's judges had no right to entertain an appeal from any sentence of an ecclesiastical court, but that if

any such court should abuse the powers with which it was invested, or usurp powers not properly belonging to it, those judges might prevent or correct any such abuse. In technical language, they declared that the prévôts and baillis were competent to receive *les appels comme d'abus*. In fact, they laid down a rule exactly corresponding with that which is at this day observed in Westminster Hall.

Thus the episcopal courts ceased to be sovereign, that is, to be exempt from the supervision or control of any other tribunal. But a more serious loss of power awaited them. When the royal judges introduced into their courts the reforms to which I adverted in a former lecture, the ecclesiastical courts fell into comparative disesteem. In France, as in England, the conflict of jurisdictions between the two was active, and even violent; but there, as here, popularity and success attended on the secular judges. In the 14th century the sages of the French law exhausted much of their time and learning in the attempt to define the limits between the respective provinces of the royal and episcopal tribunals. There is said to be a book, called Le Songe du Verger, held in high esteem by the curious in bibliography, in which a clergyman and a knight are made to debate that arduous problem in the presence of Charles V. But the debate must have been either imaginary or ineffectual, for it was not until the year 1539 that any positive law was made for the determination of it. An ordinance of that year confined the competence of the spiritual judges to questions exclusively spiritual, and to cases in which personal actions might be brought against clerks in holy orders.

The result of a comparison of the judicial liberties of the Church of France as they existed in the 12th and in the 16th centuries will, therefore, be to show, that

during that interval, they had declined to such an extent as very greatly to impair the ancient influence and authority of the Church in temporal matters. Even admitting the consequence to have been unfortunate, the means by which it was accomplished were, I think, evidently wise and justifiable.

It remains, thirdly, to inquire, In what manner the *Financial* liberties of the Gallican Church were, during the same period, invaded by the royal power? and the result of that inquiry will be to show, that, in this respect also, her losses, though veiled under certain decorous forms and apologies, were very considerable in substance.

Ecclesiastical persons and property in France were originally exempt from all imposts, and, therefore, they promised to the Popes, in the commencement of the 13th century, a rich pecuniary harvest. For that purpose the fiscal sickle was employed by the Court of Rome with the most assiduous diligence. Alarmed by the demands of their spiritual sovereign, the French clergy invoked the protection of their temporal monarch, Louis IX.; and, in compliance with their entreaties, he forbad, by his Pragmatic Sanction of 1268, the transmission of any money to Rome without his own express authority. The papal extortions were for the moment repelled, but the Church was then summoned to the more arduous task of protecting herself against her royal protectors. Though she had no longer to pay Peter's pence to the pontifical treasury, she was required to furnish subsidies to the Capetian exchequer.

The Pope now in his turn assumed the office of guardian of the ecclesiastical possessions; but with comparative ill success. When, for example, Philippe le Bel called on the clergy for money, Boniface VIII.

forbad their compliance. But Boniface was not a Hildebrand. Philippe compelled him to retract his prohibition, or rather to disavow the plain and unequivocal meaning of the words in which he had announced it.

Thus, the temporalities, of which the clergy were the indisputable proprietors, became the prize for which their spiritual and their secular monarchs contended with each other. But in that contest the Church found her best security. So long as the two potentates continued to regard each other as hostile competitors for her wealth, the one or the other of them was always on her side. Her real and most urgent danger was in their reconcilement. She had nothing so much to dread as their friendly compromise, at her expense, of their rival pretensions.

Such a compromise was in fact accomplished when the Apostolic Chair was transferred to Avignon. Then the dependent Popes acquiesced in the usurpation by the Crown of the patronage of all the sees and sacerdotal dignities of France; and then the complaisant kings consented that the Pope should raise what money he needed from the inferior clergy, and especially that he should receive the annates, or revenues of all benefices during the first year after each vacancy of any of them.

These mutual concessions, prompted as they were by transient motives, were themselves of short and uncertain continuance. They formed the subject of ardent controversy during many generations, until they were at length, in substance, ratified and rendered permanent by the concordat between Francis and Leo.

But, during that controversy, the royal demands on the revenues of the Church were never intermitted.

Emboldened by the feebleness of the Papacy during the great Schism, the French kings endeavoured to bring the clerical order under the same laws of taxation as at that time applied exclusively to the Tiers Etât, or Roturiers. The resistance of the clergy was resolute and effectual, for they were zealously supported in it by the Parliament of Paris. Charles VIII. withdrew from the struggle with so formidable an alliance; and from his reign may be dated the final recognition, as a fundamental law of the realm, of the doctrine, that no imposts could be levied upon the Church without the free consent of the ecclesiastical order lawfully given in a free assembly.

That consent was, however, but seldom refused; nor, indeed, would such a refusal have been either just or prudent. For the wealth of the clergy was enormous. Such estimates of it as were commonly made and accepted before the accession of the House of Bourbon, were too vague, and too obviously partial, to merit any serious notice. But, in the year 1639, an ecclesiastical synod adopted and sanctioned a report on the subject, called "L'Etât abrégé de l'Eglise de France," which represented the *gross* annual revenue of all the sees, parish churches, abbeys, convents, monasteries, commanderies, and chapels in France as amounting to 103,500,000 crowns, and the *net* annual revenue as amounting to 92,000,000. Great as is the authority for these figures, I confess that it is not without some incredulity that I have transcribed them; for, after making a fair allowance for the different effective power of money now and then, it is as if the Church of France in our own days possessed an independent annual income of between ten and twelve millions of pounds sterling.

Doubtless, however, her endowments in the age of

Louis XIV. were exceedingly great, and would have been fatal to her but for three principal reasons. First; though not an enlightened, Louis was a very zealous son of the Church, and abhorred any sacrilegious confiscation of her property. Secondly; against any such confiscations she was then defended by her diocesan, provincial, and national synods. In each diocese the clergy elected deputies, who met at the metropolis of each province, and then nominated members of a general assembly. These convocations, it is true, were all convened by the king, and royal commissioners represented him at the national synod. But it was a free and full representation of the sacerdotal order, and enjoyed authority and influence enough to insure the respect of the other orders in the state. And, thirdly; the dangers of plethoric wealth were averted from the Church of France by the wise liberality with which she was accustomed to contribute to the exigencies of the commonwealth. The Crown had long attempted to participate in the ecclesiastical treasure by the coarse and ready methods to which arbitrary power in distress so habitually resorts. At one time the régale had been extorted from all the churches of France indiscriminately. At another, royal officers had been employed to administer the revenues of vacant benefices. Then the parochial vestries were required to submit their accounts to auditors appointed by the king. And when such means of exaction proved ineffectual, recourse was had to the terror of those doctrines on the subject of church property which the Reformers had so often advocated; so that even L'Hôpital himself lent the sanction of his name to the opinion, that the Clergy were the mere trustees, and the State itself the true proprietor, of such endowments. But to such

demands and such menaces, the sacerdotal order opposed sometimes well timed remonstrances, and sometimes judicious concessions. They controlled the despotic genius of Richelieu, and overawed the rapacity of Fouquet, when each of those financiers, in his turn, meditated a tax which would have deprived them of the whole of their emoluments during one of every four successive years. But, on the other hand, they repeatedly advanced large sums, either on the security of the royal revenue, or for the exoneration of particular branches of it from debt to other creditors. In the reign of Louis XIV. they consented to pay, for the support of his government, the ordinary décimes, that is, a tenth of the annual income of each benefice; and, in great public exigencies, they added to that heavy income tax what were called the extraordinary décimes, that is, an occasional increase of the rate of it.

The Church of France has seldom, if ever, received a due acknowledgment of the wisdom and patriotism which thus distinguished her financial relations to the Crown. In the midst of the pecuniary distresses of Louis XIV. she had the sagacity to teach, as he had the prudence to learn, that in her loyal attachment he had a resource more abundant, as well as more secure, than he could have found in the lawless spoliation of her wealth. Between her and him there, therefore, grew up a tacit compact, that, on the one hand, she should be free to retain and manage her possessions, but that, on the other hand, she should relieve, with no niggard hand, the ever recurring wants of his treasury. It was a compact indefinite indeed, and much liable on his side to abuse; but it was not, in fact, very grossly abused. The Gallican Church in his age was (it is true) compelled to con-

tribute to the support of many costly wars, of much improvidence, and of not a little profligacy and corruption, but, by wise firmness, and wise forbearance, she still found herself in possession of a financial freedom unknown to any other body in the state, until the bursting of that great tempest which, on the close of the 18th century, prostrated all the powers and all the institutions of France.

The preceding details, wearisome as they may have appeared, have seemed to me essential to the intelligible statement of the answer which it remains for me to return to the question with which I commenced the present lecture,—the question, namely, Why the influence of the Privileged Orders of France, Noble and Sacerdotal, was ineffectual to prevent the usurpation by the monarchs of that kingdom of an absolute and unlimited power? My answer to that question then is,—

First. That the original peers of France were inadequate to that great constitutional office, because they were not the aristocratic subjects of the king, so much as independent and rival princes. Their power excited his fears, and their dominions excited his cupidity. They were successively his allies, his enemies, and his victims. But they were too great to act either as the subordinate partners and props of his lawful authority, or as the legitimate checks on the unlawful abuse of it.

Secondly. Neither the peers of France (after the conquests of Philippe Auguste), nor the other seigneurs, ever enjoyed, in the kingdom at large, an authority, legislative, executive, or judicial, co-ordinate with that of the king. As I had occasion to show in a former lecture, the royal judges and the Parliament of Paris assumed the whole *judicial* power

which, before the accession of St. Louis, had belonged to the Noblesse. The king became sole *legislator*, subject to an imperfect veto by the parliament; and the administration of the *executive* government was conducted by the Crown through the agency of its subordinate officers. Therefore, the nobles had never in their hands, at any later period, any one of those three weapons by which alone the royal prerogatives can be peacefully and effectually controlled.

Thirdly. In the States General, the seigneurs appeared only as the elected deputies of their order. They did not sit there proprio jure; and I shall hereafter have occasion to explain why the deputies, who from time to time were convened to the states, failed to acquire the power which properly belongs in all free governments to the national representatives.

Fourthly. The peerage and the nobility of France were rendered impotent to all purposes of constitutional government, by the mercenary and extravagant multiplication of their number, by the descent of the privileges of every noble to all his sons and more remote male descendants, and by the consequent poverty and dependence of the great majority of their order. Their force was thus diluted until it had almost ceased to be felt at all.

Fifthly. The exclusive and most invidious privileges of the nobles greatly impaired their political influence. They were elevated too far above the level of the people at large to admit of any fellowship or reciprocal attachment between them. The aristocratic order never enjoyed the weight which results from its intimate union with the plebeian.

Sixthly. There was a similar want of union between the noble and the sacerdotal orders. They

were not separate members of the same body, but separate and often antagonistic bodies. Though not infrequently combining their forces in the States General, it was a combination which usually had in view rather a triumph over the Tiers Etât, than the accomplishment of any objects in which the Three Estates had a common interest against the Crown.

Seventhly. The transfer to the Crown of the patronage of all sees and other ecclesiastical dignities, had a fatal tendency to impair the independence of the clergy. It filled their ranks with mercenary candidates, and necessitous suitors, for the royal favour.

Eighthly. The use which the kings of France made of that patronage might seem to have been dictated by the desire to emancipate themselves from the salutary control under which they would have been holden by a more independent clergy. The bishoprics became little better than endowments for the younger branches of noble families. The abbeys were made so many apanages for lords and ladies of broken fortunes. The great abbey of Fontevrauld, for example, was governed during several centuries by an almost unbroken succession of abbesses of the blood royal.

Ninthly. The enormous inequality of rank and wealth between the superior and inferior clergy of France, was another enervating effect of the possession and abuse by the Crown of the patronage of the higher dignities of the Church. It induced a real, though unavowed, separation of the clerical order into two sections; the first partaking in all the interests and prejudices of the Noblesse, the second attaching itself to all the schemes and passions of the Roturiers; but each incapable of a hearty co-opera-

tion with the other against monarchical encroachments.

Tenthly. The so called liberties of the Gallican Church reduced her from the rank of a constitutional guardian of the rights of the people, to the rank of a submissive dependant upon the pleasure of the Crown. For the real effect of those boasted liberties was merely to interpose a secular power between the Church of France and her spiritual sovereign. Lamentable as may have been, in other times and countries, the abuse of the papal supremacy, yet the Pope's free exercise of that supremacy is essential to the political authority, and to the political influence of any Church in communion with Rome, unless, indeed, she possesses and exercises an independent right of self-government.

Eleventhly. When the Gallican Church lost that self-government—that is, her right of freely convoking national synods, and of freely deliberating and voting in them,—she had no longer the means of exerting the legitimate influence of the ecclesiastical upon the political government. Her diocesan, provincial, and general convocations, though a pretended, were not an effectual, substitution for the loss. If in those assemblies any voices had been raised in opposition to the royal will, they would immediately have been silenced by the royal commissioners.

Twelthly. The loss of the invidious liberties, judicial and financial, of the Gallican Church, might, perhaps, have been a source not of weakness but of strength, if she had been permitted to retain her internal liberties, that is, her right of self-government in what related to synods, canonical elections, and free intercourse with the papal court. But as the loss of those liberties brought her in bondage to the king, so the

simultaneous loss of her financial and judicial franchises, by bringing her into subjection to the parliament, eventually rendered more effective and irresistible her bondage to the arbitrary powers of the sovereign.

Other explanations might be given of the incompetency of the privileged orders of France to arrest the growth of the royal despotism. What I have already offered may be sufficient, if not fully to explain, at least to suggest the explanation of the causes why they were so long the passive spectators, or the active promoters, of an usurpation of which they were destined at length to be themselves the victims.

LECTURE X.

ON THE STATES GENERAL OF THE FOURTEENTH CENTURY.

In my last two lectures I endeavoured to explain, first, how the Judicial institutions of France contributed at once to subvert the Feudal Confederation, and to promote the growth of the absolute Monarchy in that country; and, secondly, why the Privileged Orders, Noble and Sacerdotal, failed to arrest the advance of that Monarchy towards despotic power. I now proceed (as far as the time at my disposal may admit) to resolve the corresponding questions with reference to the States General.

In entering upon that inquiry, it is necessary that I should begin by stating (though the statement must be far more brief and imperfect than the importance of the subject may seem to demand) what was the legitimate composition of those bodies, what their methods of procedure, and what the constitutional limits of their authority.

It is an obscure and an intricate inquiry. When it was proposed by Louis XVI. to the Notables of 1787, they were able to answer him only by a long antiquarian controversy; and such was the prevailing ignorance on the subject that (as we learn from Dumont) an English lawyer (the late Sir Samuel Romilly) was detained on his journey through one of the cities of France, to extemporise for the perplexed citizens a mode of procedure for conducting the election of their deputies to the States General of Versailles. Yet, in the midst of this darkness, we may distinguish some few salient points on which history has cast a clear and a steady light.

First, then, it is evident that the States General could not lawfully meet, except in pursuance of citations issued by the sovereign himself. Next, it is well established, that each of the three estates (the Clergy, the Nobles, and the Commons) were to be so cited. In the feudal age (as we formerly saw) the king had been accustomed to summon to his parliament all his tenants in capite, lay and ecclesiastical, holding seigneuries within the limits of the royal domain. He had, also, occasionally added to them all the greater feudatories of the Crown, holding fiefs beyond those limits. Now, when the feudal parliaments gave place to the States General, the same practice was observed; but with the two following differences: — first, that the lay tenants in capite were commanded by the king to bring with them to the States General, such other seigneurs as might be chosen to represent the seigniorial or noble tenants of their respective bailliages; — and, secondly, that the great episcopal or abbatial feudatories were commanded by the king to bring with them to the States General, such other ecclesiastics as might be chosen

to represent the clergy of the principal churches, or abbeys, within their several jurisdictions.

But, in order to complete the assembly, the king also summoned a body of persons whose appearance is scarcely, if at all, to be traced in the feudal parliaments. These were the representatives of the Commons. For this purpose, royal writs were addressed to the various baillis or seneschals of France, commanding them to convoke the free male inhabitants of the villages, towns, and cities, comprised in their several bailliages, or sénéchaussés, for the election of deputies to represent them in the approaching states of the realm. The inhabitants of the rural districts, called the plat pays, were not to be so summoned; because they were supposed to be adequately represented by their respective seigneurs.

In obedience to these various royal mandates, the nobles and the clergy met at the chief city of each bailliage, and there elected deputies to represent their respective orders. There, also, they drew up, or adopted, their mandates or instructions to their deputies, containing an enumeration of the public grievances, of which (as members of the States General) they were to demand the redress. To such instructions were given the name of *Cahiers*, — that is, Codices.

The election of the deputies for the Tiers Etât was a more complicated procedure. At each village, the electors met on some Sunday after mass, and chose deputies, to whom were intrusted the Cahiers (or list of grievances) of the villagers. In the towns and cities also, cahiers were prepared, and deputies chosen; not indeed publicly, but at separate meetings of the incorporated trades, or callings, of which the commune or civic corporation was composed. The deputies so appointed in the various villages, towns, and cities,

then met together at the chief city of the bailliage, there to constitute a central assembly. The business of that assembly was, first, to elect deputies to represent, in the States General, the Tiers Etât of the whole of that bailliage; and, secondly, to compile from all the separate cahiers one general cahier, in which were methodised and recapitulated all the grievances of all the Commons living within its limits.

If it be inquired,—who were qualified to elect, and who to be elected, at those meetings; and by what number of deputies, the Clergy, the Noblesse, or the Tiers Etât respectively of the several bailliages were to be represented; I can only answer, that those are questions on which the Notables, in the time of Louis XVI., were unable to form any clear opinion, and which have not, I think, been satisfactorily elucidated in later times.

The States General were thus composed of the deputies of the three estates of the realm, but not of them exclusively. The princes of the blood royal, the peers of France, the chamberlain and other high feudal officers of the Crown, and the knights of the different orders of chivalry, also sat there. But they held those seats in virtue of their rank, or offices; and acted rather as spectators or as ornaments in that splendid pageant, than in any more important character. The chief ministers of the Crown also took their places in the States General, where they were regarded as the legitimate channels of communication with the king, and as the advocates and interpreters of the royal proposals, or demands.

In the States General of France, as in the Parliament of England, the spiritual had precedence over the temporal lords; but, between the two first orders and the third, the gulph was immeasurable. Of this

the established ceremonial was at once the best proof, and the clearest illustration. In their joint assemblies the Clergy and Nobles sat covered; the Commons bareheaded. When addressing the king, the orator of the two first states stood up, but the orator of the Tiers Etât knelt down. The consciousness of a real, though unavowed, superiority of power may perhaps, however, in France in old times, as in England in our own times, have given a kind of zest to the endurance of these innoxious indignities. For, from age to age, the representation of the Commons became less and less in fact what it was in theory; that is, an assemblage of mere roturiers, possessing no definite rights, or well ascertained privileges. Officers of state, magistrates, lawyers, merchants, and men of letters, eagerly sought the office of deputies in this great national assembly; and the boast now so common among ourselves was anticipated by the Chancellor l'Hôpital, when he reminded the Tiers Etât, in the States General of Francis II., that none of the gates of honour were closed to their ambition.

The same sentiment, or rather the same fact, was announced, at nearly the same time, by a noble French author, though in a very different spirit. "Go," he exclaims, "into the parliament, and you will find there scarcely any one but roturiers, who have purchased for themselves seats on the fleurs de lys. Go into the churches, and you will behold the most brilliant mitres resting on heads which came into the world to bear the yoke of slavery. Go into the royal palace, and you will see it filled by swollen pumpkins; by men whose fathers were tallow chandlers, cooks, and tailors, but whose audacity has raised them from the dust to the highest places, at the very fountain of honour. Go into society, and you will mistake the gentlemen for roturiers, and the roturiers for gentle-

men; for now, when every one is permitted to wear whatever dress his purse can afford, or his vanity may prefer, lace, silk, and scarlet, have ceased to be any certain badge of noble birth."

The deputies of the Tiers Etât seem to have been not the wealthiest only, but the most numerous also, of the three orders in the States General, although they were usually outnumbered by the two first orders united. When Louis XVI. authorised the Tiers Etât to send to the States General of 1789 twice as many deputies as the clergy and the nobility together, he was, therefore, the author, not only of a fatal measure, but of an entire innovation also.

When the deputies of the three estates had assembled at the appointed place of meeting, each estate chose its own president, registrar, and secretaries; and, at the conclusion of this and some other preliminary forms, a royal herald proclaimed the approach of the king. He came, surrounded by the princes and dignitaries of his court, himself unarmed, and unguarded by any armed force; and then took his seat on his throne; before, but below, which were drawn up, according to their rank, the representatives of the three orders of his people. His address to them was usually comprised in a few brief words of princely greeting; after which the chancellor explained the causes of their meeting in an oration in which (after the fashion of those times) homily, eulogy, and pedantry contended with each other for the mastery; though, in the midst of his dark speeches, the learned rhetorician never forgot to describe the wants of the treasury, or to invoke the aid of the representatives of France to replenish it. To this address the speaker of each estate made answer in his turn; and when eloquence was exhausted, the chancellor directed the

States to prepare, for the consideration of the king, a statement of all the grievances of which they sought the redress, bidding them not to doubt that their demands would be very graciously accepted.

At the close of these inaugural ceremonies, the deputies of each estate divided themselves into twelve sections, or committees; that number corresponding with the number of the twelve greater governments of France. The cahiers of all the bailliages comprised within any one of those governments, were then referred to one of those committees, by whom they were fused, or digested, into a single cahier for the whole of that government. Each of the twelve committees then presented its cahier to the estate to which it belonged, and, by that estate, those twelve cahiers were again consolidated into one consecutive cahier. The final result of this complicated process was, therefore, to extract from the multitude of cahiers of the whole kingdom, three general cahiers; each of which was to serve as the exponent of the grievances, and of the demands, either of the Clergy, or of the Nobles, or of the Tiers Etât respectively. On all questions which arose in the preparation of these documents, the votes of the deputies of the states were taken both by the poll and by governments; that is, in each committee, the members gave their individual votes; and by the majority of such suffrages was determined the vote of the government for which that committee acted.

Although in thus representing the public grievances, each of the three estates often occupied much of the same ground, and were often substantially of the same mind, yet they did not usually act in concert. The cahier of each of the three estates was entirely distinct from those of the other two; nor were the

three always presented to the king simultaneously. When they had all been completed, and had all been delivered to him, the States were, both of right and in fact, dissolved. It was, however, usual for the king to pronounce a formal dissolution of them on such occasions, and they were then dismissed with a gracious promise from the throne, that the sovereign would consider and give effect to their wishes.

Thus far all was preparatory. The States had projected, advised, and solicited reforms, but they had accomplished nothing. They retired to their homes, there to await, in impotent anxiety, the fulfilment, or the breach, of the solemn pledge of which alone their labours had been productive. That pledge, however, was seldom redeemed, either honestly, or completely. Sometimes it was disregarded altogether: sometimes it was followed by the insertion of marginal notes on the cahiers; intimating not the decisions, but the opinions or purposes, of the king, respecting the proposals contained in them: and, sometimes, he promulgated ordinances, not referring to the proceedings of the States, but as of his especial grace and mere motion to carry their proposals, or some of them, into execution. Without such ordinances the cahiers alone had no legal efficacy whatever. They were petitions not enactments; and even when they had at length ripened into positive edicts, it was usually found that, by the use of defective, evasive, or ambiguous terms, the royal legislator had defeated the very concessions which he affected to make. Thus "as ineffectual as a cahier" passed into a proverb; and each successive States General placed, on the front of their catalogue of complaints, the royal neglect of the complaints of their immediate predecessors.

I have sought in vain for any authentic account of the origin and growth of the complex rules by which the election of the deputies and the deliberation of the States General were thus regulated. But there is little risk of error in supposing that the forms in use in the ancient Greek and Roman cities of Narbonese Gaul for the election of civic officers were thence transferred to the French municipalities, and were borrowed from them by the bailliages on the election of députies of the States General. For the love of subtle and refined schemes of polity, and especially of municipal polity, was one of the many analogies between the Greek and the French character. As an example of the strength of that propensity in France, take the scheme according to which the mayor, aldermen (echévins), and auditors, were chosen in the city of Péronne. First; each of the twelve guilds elected two delegates. Secondly; those twenty-four delegates nominated ten electors. Thirdly; those ten electors appointed other ten. Fourthly; the twenty, when so obtained, associated to themselves ten electors more. Fifthly; the thirty, when thus brought together, made choice of the mayor and aldermen. Sixthly; the mayor and aldermen then named six councillors, to whom the masters of the guilds added six more councillors of their own selection. And, seventhly, those twelve councillors united together to form a board of audit. A people thus ingenious in devising political mechanism may perhaps have regarded as bald and uninventive the system of two degrees of election for the deputies in the cities, towns, villages, and bailliages, and may not improbably have despised, as an excess of simplicity, the contrivances for compounding a single cahier of grievances by the de-

composition and new arrangement of all the separate cahiers of all the various localities of the kingdom.

The common basis of all such refinements is suspicion. They all assume that, in the discharge of any office in the commonwealth, no man is to be trusted. They, therefore, mete out such power in the smallest possible measures, and with the greatest possible jealousy. Thus, as we have seen, in old France, the elector might not directly vote for his own representative, and the representative might not decide for himself on his own course of conduct.

Such elaborate devices are, however, rather cunning than wise. They cannot extinguish the dangers against which they are aimed, though they may in some degree conceal, or partially mitigate, them. For in every possible, or conceivable, adjustment of the political organisation of a state, there will still lurk somewhere a despotism which, if wakened into activity, becomes absolute and uncontrollable, however much it may in ordinary times be kept out of sight, or remain habitually dormant. To treat all the depositaries of that formidable power as knaves, or as fools, is not the readiest way to avert such a catastrophe.

The builder of Eutopian visions, or of real Polities, will of course, if he be wise, take securities against man's abuse of his authority over his fellow-men. But he will not guard against such abuses by exactly reversing the law of charity, and by requiring the citizens of his visionary, or of his actual, republic to be easily provoked, to think nothing but evil, to bear nothing, to believe nothing, to hope nothing, and to endure nothing. For men usually rise or fall to the level of their reputation; and if soldiers are brave, judges upright, and merchants honest, in proportion

as such is the general expectation from them, so, and in the same proportion, are statesmen patriotic. Most men reach the point of honour in their several callings; and a generous confidence will ever be the surest excitement to the public spirit of those who are called to the most conspicuous public stations.

In the case of the States General of France, suspicion fell into her common error of spinning her web too fine. The scheme combined, but could not neutralise or render innocuous, the two opposite errors of universal suffrage and of secret voting — the first, depriving the primary elector of the sense of privilege, and of most of the consequent restraints of duty; the second, withdrawing the ultimate elector from the keen, but animating, air and responsibilities of the Forum.

The division of the States General into three different orders, and as many chambers, was fatal to their legitimate influence. When we met last I attempted to investigate those causes which subjugated the Noblesse to the authority of the Crown, and those which preserved to the Clergy a comparative independence. The two bodies, if united together into one great aristocratic chamber, might, perhaps, have interposed an effectual barrier between the king and the people, for the conservation of the rights and the powers of both. But, in their separation, the nobles degenerated into servile partizans of the monarch; and the clergy exhibited the characteristic and invariable incapacity of men of that profession to act, collectively, in the affairs of nations, with common temper, or with common sense.

Neither was it reasonable to anticipate any effective national progress from the deliberations of bodies chosen for the express purpose of methodising, and

preferring, and seeking the redress of long catalogues of grievances, swept together from every city, town, and village of the kingdom. They who delegated, and they who accepted, such a trust, must, almost of necessity, have misunderstood both the disease with which they had to do, and the means by which it might be remedied. In any state where well-founded complaints of misrule are thus fertile and habitual, the true disease consists in the moral and intellectual debasement of the sufferers, and the true remedy consists in whatever tends to elevate their character, and so to render their good government practicable. No men, and no society of men, ever bemoaned themselves into self-respect, or into the sympathy of others. The flatterers of Demos will always encourage his complaints, and conceal from him the unpalatable truth, that though his loud and persevering proclamation of his wrongs may justly inculpate his rulers, it is also an emphatic, though an unconscious, proclamation of his own unworthiness.

The States General of France were also destitute of that important element of success which consists in a firm alliance between the representative and the judicial institutions. Before the States General were first convened under Philip le Bel, the courts of justice (as I showed in a former lecture) had become the mere creatures and ministers of the Crown; and before those courts had attained to the independence which at length rendered them formidable to the Crown itself, the States General had ceased to meet. During their existence, they were never able to rely on an upright and impartial administration by the judges of any law which might be enacted at their own instance.

In the enactment of such laws they had, moreover, no actual suffrage. I formerly attempted to

show how St. Louis assumed to himself the legislative power, and transmitted it to his successors. In the interval which elapsed between his death and the first meeting of the States General, that encroachment had ripened into an undisputed prerogative, which those assemblies never failed to recognise in the most express and formal manner. That they should have yielded, without controversy, to a pretension so momentous, and yet so recent, as this, may appear to us strange if we read the history of other times and countries only by the lights of our own. But familiar as the disjunction of the legislative from the supreme executive function is to our thoughts and language, the world, in the time of Philip le Bel, had never seen a practical example and illustration of such a severance. Has, indeed, such an example been ever really seen even now? The Lords and Commons of England humbly petitioned the king (and often petitioned unsuccessfully) for the enactment of what they judged salutary laws, until at length their petitions having ripened into commands, they, in reality and in truth, dictated the administrative, as well as the legislative, acts of the Crown, though always retaining the style and the posture of petitioners. The States General adopted the same humble language, but (as we shall hereafter see) never attained the same commanding position. From the ninth Louis to the sixteenth Louis, the king was the real, as well as the nominal, lawgiver of France.

Finally. The practice of resolving the Tiers Etât into committees for the separate discussion of all the cahiers of each of the governments represented by any such committee, survives in France, at the present day, in the corresponding practice of resolving the

National Assembly into bureaux for the preliminary discussion of all important questions. It is (as we may daily observe there) a wise arrangement for mitigating the violence of a republican democracy; but in the monarchical States General it impaired the healthful energy of the one democratic element of that body. The swell of popular feeling was broken alike by withdrawing the deputies, first from the invigorating influence of public elections, and then from the sympathetic influence of public debate.

I do not pause to qualify the preceding statements by the many exceptions which would be requisite to their complete exactness. My time allows me only to exhibit the law, or constitutional theory, of the States General, as it may be deduced from the general habits of the majority of the assemblies of that nature of which the records have been hitherto discovered and made public. I now propose to verify and illustrate what I have hitherto said respecting that law or theory by inquiring into the proceedings of the most memorable of those conventions which were holden in the 14th century. The share taken by the States General in the great constitutional struggle of that age will, therefore, be the subject of our consideration during the remainder of the present lecture.

I lately attempted to explain the manner in which the identity or union of the Royal Council and of the Parliament of Paris was virtually, though not formally, dissolved, so that each of them thenceforward existed as a substantive and distinct body in the state. This tacit revolution had been nearly completed when Philip le Bel, for the first time, convened the States General of France.

To resist the threatened invasion of the confederates of Cambray, Philip, with the consent of the Royal

Council, imposed a tax on all his subjects, the ecclesiastics not excepted. To repel this encroachment on the temporalities of the Church, Boniface VIII. issued a bull forbidding the French clergy to pay the required contribution. Philip retaliated, by an order forbidding them to pay the customary papal dues to Boniface himself. The Pope then summoned a synod to advise him how he might most effectually resist this invasion of his pontifical rights; and Philip, in his turn, summoned the barons, clergy, and commons of his realm, to elect deputies who should meet him at Paris, there to deliberate on the methods to be pursued for the successful conduct of his controversy with Rome.

To Philip himself the importance of this great innovation was probably not perceptible. He, as we may well believe, regarded it only as a temporary device to meet a passing exigency. It was in fact one of those occasions in which man gives proof, rather of the sluggishness, than of the promptitude, of his insight into his own condition; of his slowness to perceive and to estimate correctly the resources within his reach, much more than of his sagacity in discovering and in employing them aright. The king of France aimed at nothing more than to baffle an imperious antagonist. Unconsciously to himself, he was laying the basis of a power destined for a while to balance, and at last to overthrow, the dominion of his successors; but a power which, if wisely used, might have proved the shelter, and the safeguard, both of his people and of his race.

In obedience to the citation of Philip, the States General met at Paris, on the 10th of April, 1301. When the deputies presented themselves in his presence, he called upon them to state of whom they

held their seigniorial fiefs and their ecclesiastical benefices. Their answer was returned by a loud and unanimous acclamation; the three orders with one voice declaring that they held them all of Philip himself and of his predecessors. To his inference that they were, therefore, all bound to support him against the pretensions of Boniface, they listened with diminished enthusiasm, and retired to prepare a more deliberate reply. It was at last returned by each of the three estates apart from the rest. The Nobles pledged themselves to support the king in his quarrel, with their persons and their property, and demanded that he should resist the injustice and the usurpations of Rome. The Commons implored him to maintain inviolate his sovereign rights, and to announce to the whole world that, in claiming a superiority over him in spiritual matters, Pope Boniface had fallen into manifest error, and had contracted the guilt of mortal sin. With ill-disguised reluctance, and not till after long delay, the Clergy at length assented to the conclusion of the Nobles. The session was then closed; when, strong in the suffrages of the representatives of his people, Philip promulgated a royal ordinance, forbidding the exportation of any money or merchandise from France to Rome.

In reliance on such of the modern French historians as have studied, with the greatest diligence, the ancient monuments of their native land, I hazard the statement that there is not to be found, in any writer of the age of Philip, any remark on the great constitutional innovation which had thus distinguished the times in which they lived. If the fact be really so, this is but an example the more of the familiar truth, that political changes are seldom the result of any profound policy, but generally

spring from impulses unheeded and misunderstood by those who act in obedience to them. If a Machiavelli or a Montesquieu had been living in France in those days, a solitary student of the shifting scene, with what inquisitive interest would he not have observed papal ambition contributing to plant, in that country, the most promising shoot of national liberty that had ever taken root there — and the people rising into importance from the struggle between their spiritual and temporal monarchs as to the limits of their respective jurisdictions. It would have been a craven philosophy which, from such events, would not have exultingly inferred the progressive and the secure development of the democratic in union with the other elements of power in the commonwealth. We know, indeed, such hopes, if indulged, would have proved fallacious; but from such a fallacy the most profound thinkers of that period could hardly have been exempt. The next meeting of the States General would probably have confirmed their error.

The gallant resistance of the Flemings to the treacheries and usurpations of Philip had enabled them, in the year 1304, to regain their national independence, and to effect the deliverance of the Count of Flanders and his family. Ten years later the Parliament of Paris pronounced a sentence confiscating the dominions of the count for the benefit of the king, and annexing them to his crown. To obtain the funds necessary for carrying that sentence into effect Philip, in August, 1314, again assembled the States General at Paris, when Enguerrand de Marigny, his principal minister, having represented to them the urgent need of money for this purpose, Etienne Barbet, the mayor, as it would seem, or

prévôt des marchands, of Paris, pronounced a speech full of liberal promises; after which, says the record, the other Bourgeois, representing the Commons, joined in a loud and tumultuous promise of the same general nature. Regarding, or affecting to regard, these acclamations as a deliberate acquiescence in his demands, Philip proceeded to promulgate an ordinance imposing an *ad valorem* duty on the produce of the sales of all goods.

Bald and brief as this account of the States General of 1314 may be, it is yet of great value, because it is the earliest recorded instance of the acknowledgment of the right of that body to authorise the imposition of taxes. The informality with which that high function was, on that occasion, exercised, is, perhaps, rather apparent than real. For there is great reason to doubt, whether the States really intended to give, or really supposed themselves to be giving, their sanction for that imposition of the duties for which Philip found an apology in the speech of Barbet, and in the shouts of his associates. It is at least certain, that universal disquiet and insurrections, in almost all the provinces of France, followed immediately upon the promulgation of his ordinance, and that the year 1314 was still more remarkable for the revocation, than for the imposition, of fiscal laws. Philip left to his son, Louis X., the inheritance of these discontents.

The first year of the reign of Louis was signalised by the charters or concessions which he was compelled to make successively to the Normans, the Burgundians, the Picards, and the people of Languedoc and Champagne. Of those grants, the most celebrated and important is that of the 19th of May, 1315, called the Charte aux Normands. Although they differed materially from each other, these charters universally

bound the king not to change the coinage, not to levy extraordinary tailles, and not to subject free men to torture, unless the presumption of a capital crime were of the highest nature; to which the remarkable addition was made, in some provinces, of a promise to restore the trial by battle, and the right of private war, which had been abolished by St. Louis.

If Boullainvilliers be accurately informed, Louis X. was the author of a yet more general charter, or declaration, binding himself and his heirs never to levy any imposts on the kingdom at large, except with the consent of the three estates of the realm. Of this important document, however, I believe that neither the original, nor any authentic, copy has hitherto been discovered; though if any such charter or declaration was really issued, we may safely adopt the opinion of Boullainvilliers, that it became the basis of the authority afterwards exercised by the States General in the imposition of general taxes.

Be this as it may, it is highly worthy of notice that the greater part of the provincial charters of the reign of Louis X. are expressly framed "sur la demande des Trois Etâts,"—words referring, I presume, not to any demand made by the States General of 1314, but to demands preferred by the different provincial states. Even when so understood, they sufficiently show how wide was the diffusion, and how firm the establishment, at that period, of the principle, that the consent of the representatives of the people was essential to the validity of any extraordinary impost.

That principle seems to have been regarded as indisputable and fundamental when the States General met at Paris, in November, 1355, in obedience to the summons of King John, to succour him in the disastrous war in which he was then engaged

with Edward III. On this occasion the three orders, by the express permission of the king, deliberated not separately, but together; that request being advanced, on behalf of the Tiers Etât, by the celebrated Etienne Marcel, who was at that time the prévôt des marchands at Paris. They offered to maintain an army of 30,000 men during one year, and to impose the duties necessary for the support of such a force. But they stipulated that a commission of nine persons, of whom three were to be selected by each order from its own members, should have the general superintendence of the raising of this money, and that the States should reassemble at Paris, in March and in November of the following year, to receive the accounts of the receipt and expenditure of the funds so to be raised, and to provide, if necessary, for the augmentation of them.

A royal ordinance was made on the 28th of December, 1355, not only to give effect to these stipulations, but also to enlarge the public liberties by other provisions which the States General seem to have dictated. Thus it was declared that no resolution of the States General should be valid unless each of the three orders should concur in it — that certain extraordinary imposts should be payable by all persons without exception, the king himself and the members of his family being expressly declared liable to them — that the value of the current coins should no longer be mutable by the royal authority — that the Droit de Prise, (or the right of pressing cattle, corn, and other things, for the king's service,) should be abolished — and that the exaction of such commodities might be resisted by force of arms by the person aggrieved, with the aid of his neighbours.

Here then we have, in theory at least, the unequi-

vocal recognition of three great constitutional doctrines—the first, that the representatives of the people should meet, not merely when it might suit the royal convenience, but at such periods as might be prescribed by a due regard to the public welfare—the second, that all classes should equally contribute to the pecuniary exigencies of the State—and the third, that the Crown should be deprived of the arbitrary means of raising money by a depreciated coinage, or by impressments of the goods of the people.

On the other hand, the States General on this occasion established two precedents, each of them productive, with but little delay, of unforeseen and calamitous results. By uniting all the three orders into a single deliberative body they ere long excluded the two first orders altogether from any share in the national representation. By assuming the right to collect and audit the public revenue, they made the first step towards their usurpation of the other appropriate functions of the executive government. The statesmen of 1789 must have studied to little purpose the history of 1356.

In that year the States General met again at Paris. All their financial calculations had been defeated by the fatal battle of Poictiers, and Charles (the Dauphin and Duke of Normandy), a youth of nineteen years of age, appeared among them to represent the person of his captive father, and to solicit aid for the prosecution of the war.

The lessons of adversity, like other unwelcome lessons, are learnt but slowly; and in that "stern, rugged lore" the States General of 1356 proved but unapt scholars. Danger and alarm, as usual, elevated the most resolute and impassioned spirits

among them to their natural pre-eminence in public assemblies. Robert le Cocq, the bishop of Laon, and Etienne Marcel, the mayor or prévôt des marchands of Paris, rose at once to that position. Le Cocq seems to have been the leader within the chambers, and Marcel the guide among the citizens, of that great party who saw with joy, even in the calamities of their native land, the means of punishing their political opponents, and of changing the whole financial and military administration of France. To Charles, on the other hand, these democratic designs were the objects of an ill-dissembled aversion, for he saw in them the impending ruin of the monarchy to which he was himself the heir.

The States General opened their session by the appointment of a Committee of Public Safety; and, in deference to their advice, unanimously agreed to maintain, during the ensuing year, a standing army of 30,000 men. But severe, indeed, were the stipulations by which this grant was qualified. They demanded the immediate removal of a long list of public officers,—the trial of them on charges to be preferred by the States General themselves, before commissioners of their own choice,—the appointment of twenty-eight new councillors, to be selected by each of the three orders from amongst their own bodies,—the release from prison of the King of Navarre, a celebrated demagogue of that age,—and, lastly, the substitution, if possible, of Charles himself as a prisoner in England for his father John.

Who will wonder that the heir of the Crown of France should have temporised, and attempted to evade such proposals as these? and who, if undisturbed by the sympathetic political passions of his own times, will seriously join the modern French

democratic historians in their indignant censure of that attempt? For the moment it was not unsuccessful. Charles first urged that his answer could not reasonably be expected until the time appropriated by custom to such purposes; that is, until the closing session of the States. When that time arrived, he adjourned it to a later day; and when at last it was necessary to make some answer, he alleged the impossibility of pronouncing so momentous a decision before the arrival of the expected orders of the absent king.

Thus the session reached its close, amidst ineffectual endeavours to provide for the defence of the realm against the foreign enemy. But before the deputies finally separated, they met together at the Convent of the Cordeliers, at the summons, as it would seem, and under the presidency of Le Cocq. There is still extant a brief notice of the discourse he delivered on that occasion. He claimed, or was understood to claim, for his hearers, the right even to depose a king of France; and he recited to them the protests which their twenty-eight selected members had proposed to address to Charles in person, if they had actually been received by him as his councillors.

The Dauphin was now relieved from the presence of the States General; but he was unprovided with the funds necessary to encounter and repel the common danger. In his distress, he resorted to the improvident and dishonest measure of depreciating the currency. His new coinage was indignantly rejected by the Parisians. Marcel, their mayor, being summoned before the Dauphin, reiterated in peremptory terms the decision of his fellow-citizens, and, immediately on quitting the royal presence, called on them to arm in their own defence.

The call was promptly obeyed; and to such an intimation of the will of the people of Paris, Charles could answer only by the most immediate and humble concessions. Within twenty-four hours from the commencement of the insurrection, Marcel and his followers were invited to the Louvre, and were there assured by the lips of Charles himself of their own pardon; of the immediate meeting of the States General; of his determination to displace his obnoxious councillors; of the recall of the depreciated coins; and of his intention to remit to the States General the decision of the manner in which the coinage might best be regulated for the advantage of the people at large.

In fulfilment of these pledges, the States General were accordingly again convened, and held their first session in the presence of Charles himself. There is still extant an account of the speech delivered by Le Cocq on this occasion. After recapitulating all the wrongs inflicted by the government on the people of France, and declaring their resolution to endure them no longer, he demanded, first, the immediate removal from the public service of the twenty-two obnoxious officers; secondly, the reformation of all other public offices by commissioners to be appointed by the States General for that purpose; and, thirdly, the withdrawal from circulation of all coins to which the States should not give their express sanction.

Prepared as it would seem for these demands, the Dauphin immediately promulgated an ordinance, giving effect to them all, and adding to those concessions other, and yet greater, augmentations of the powers of the representative body. It authorised them to hold three subsequent sessions without awaiting any royal summons for the purpose; to

decide on the nature and amount of the imposts to be levied by extraordinary grants; and to collect the proceeds of them by officers of their own appointment. To all this Charles added a pledge, that, without their advice, no change should be effected in the current coin, and no truce made with the king's enemies; and a declaration, that the twenty-two officers whom they had condemned were unworthy of any public trust or employment.

To complete the triumph of the States General over the royal authority, they were permitted to nominate a commission of thirty-six of their own members, charged with a general superintendence of the administration of the executive government, and especially during the intervals between the successive session of the States themselves. It is not unworthy of a passing remark, that the Commission de Permanence, which at this day controls the conduct of the President of the French Republic during the vacations of the National Assembly, is but a mere revival of the corresponding institution which kept in check the regent of the French kingdom four centuries ago.

But the States General of 1357 were not satisfied even with this encroachment. Deputies were chosen by the three orders to act as commissioners in every province, and to assume the guidance of every department of the state. The government by parliamentary committees during our own civil war, was but an imitation of the system established three hundred years before at Paris. And as, with us, that system was substantially, though not nominally, conducted by the House of Commons alone, so, in the 14th century, it was in the hands of the Tiers Etât only, to the virtual, though not to the nominal, exclusion of the Noblesse and the Clergy.

The victory thus seemed to be complete. But with the possession of power came also its responsibilities. The States General submitting to the same hard necessity which subjugates all other rulers of mankind, were compelled to vote new subsidies, and to raise them by the imposition of new taxes. A demand so distasteful from any quarter, and so unexpected from an assembly of patriots and reformers, was followed by general disgust without doors, and by numerous secessions from within. The Nobles and the Clergy abandoned their invidious position, leaving to the deputies of the Bourgeois the hazards, and the discredit, of perseverance in the struggle. Even Le Cocq himself abandoned the popular cause, and retired to his diocese.

And now the tide which had hitherto been flowing in favour of the States General began as it appeared, to ebb. Many cities, not excepting Paris itself, addressed the Dauphin with offers of pecuniary aid; and again were to be seen at the Louvre the ministers whom he had so lately denounced as unworthy of any public trust. But a new and powerful ally appeared for the defence of Marcel and his adherents. Liberated from prison, the King of Navarre took up arms in their favour, and restored their self-confidence. Once more, therefore, the States General resumed their authority, and regulated at their discretion the financial affairs of the kingdom. Tried by that crucial test of statesmanship, they were found deplorably wanting. Their fiscal invention reached no further than the renewal of the very measure which, but a few months before, had brought upon the Dauphin their own indignant and humiliating censures. To increase the revenue, they themselves depreciated the currency.

But while the States General were thus staggering beneath the burden which they had rashly undertaken, their partisans at the Hotel de Ville retained all their former audacity. The re-appearance at the Louvre of the condemned ministers kindled the resentment of Marcel, who, accompanied by a body of his followers, presented himself before the Dauphin, and inveighed, with his accustomed energy, against this breach of the royal promise. Two of the proscribed councillors, designated as the Marshals of Normandy and Champagne, were, at the moment, standing on either side of Charles, and, with their concurrence, he answered Marcel in terms which still more excited his indignation. The two Marshals instantly expiated their error. They fell dead at the feet of their master, of wounds inflicted by the order of Marcel. To rescue his own life, Charles threw himself on his knees before their murderer, implored his protection, and promised to defer in all things to his counsels. The terrified prince then covered his head with the red and blue cap, which the adherents of Marcel had assumed as a party badge, and was permitted to retain his precarious regency. The degradation of the Capetian race was to be signalised more than once, in later times, by the same humiliating adoption of the same fatal emblem.

The regent (for on completing his twenty-first year Charles had assumed that title) was now regarded by the States General, or rather by their Commission of Superintendence, as entirely in their power; and they permitted, or, as some maintain, they advised, him, to meet the Provincial States of Champagne in their assembly at Provins. If such was really the advice of the States General,

they must have ill understood their own actual position. At Provins Charles found himself surrounded by the nobility of that great province, and received their ardent assurances of their undiminished allegiance to the Crown, and of their increased scorn and hatred of the ignoble Bourgeois who had so long, and so insolently, usurped its hereditary powers, trampled upon the delegated authority of the king in the person of his son, and assumed the guidance of the royal government. The Champenois nobles found in the regent an eager listener, and a ready convert. He returned from Provins to command the attendance of the States General, not in the disaffected capital, but at the royal residence of Compiègne.

It is maintained by some that the States of Compiègne were but a continuation or renewed session of the States of Paris, and by others that they formed a distinct and rival assembly. But it is admitted by all that they were the occasion, and the scene, of a decisive royalist reaction. The States of Compiègne, indeed, like their predecessors, reserved to themselves the collection and expenditure of the proceeds of such taxes as they imposed. But they granted money freely, and brought Le Cocq to trial on the double charge of seditious language, and of treasonable conduct.

Charles made no forbearing, or merciful, use of his returning power. Gathering round him an army composed of the lawless adventurers by whom France was then infested, he destroyed the crops, and burnt the granaries, in the neighbourhood of Paris, took possession of the towns and bridges on the Seine and the Marne, and prepared to reduce the city by famine. On the night of the 31st July, 1358,

Marcel, with a large body of his adherents, had posted themselves at the Parisian gate of St. Denis, and there with six other magistrates he fell by the swords of assassins hired by Charles for the purpose. The city then received the regent in triumph, acknowledged his supreme authority, and witnessed submissively a large and sanguinary proscription of the citizens.

Yet, even in the hour of his success, Charles was compelled to acknowledge the authority, and to solicit the support, of the representatives of the French people. His father John had signed, at London, a convention which ceded in full sovereignty to the English Crown the larger and the fairer part of the kingdom of France. Charles, to whom it was communicated, regarded with just indignation so enormous a sacrifice, but yet was compelled to acknowledge that he had no legal authority to abrogate a treaty solemnly executed by the king his father. His single prospect of escape consisted in obtaining the repudiation of it from the representatives of the nation at large. With that view he again convened the States General. They met at Paris, in May, 1359, and having declared the treaty of London invalid, pledged themselves to a vigorous prosecution of the war with England.

Thus closes the history of the States General of France during the reign of John; and thus, in the opinion of Mézerai, closes the history of all the States General really worthy of that name. Charles, however, came to the throne at a moment when popular support was indispensable to the successful conduct of those deplorable wars with which the English monarchs were still to desolate France during eighty successive years — wars of which we have

been taught from our childhood to cherish an exulting remembrance, but which, as it seems to me, every reasonable man must regard as amongst the greatest of those calamities with which it has pleased Providence to permit our native country and the whole of Western Europe to be visited. They sowed the seeds of international animosities, the bitter fruits of which have been gathered in by many past generations, and are still, too probably, to be gathered by generations yet unborn.

During the frequent minorities of the kings of France it happened, with a strange similarity of evil fortune, that many of them learned to conceive in their youth an irreconcilable prejudice against those free institutions in which the real strength of their dominion consisted. It was so with Charles VI., with Charles VIII., with Louis XIV., with his immediate successor, but especially with Charles V. The inveterate resentment with which the democracy of the States General and of the municipality of Paris inspired him can excite no surprise in any one, and can scarcely justify the severe censure which it has received from the more recent French historians. Whether they justly accuse him of having mounted the throne with a systematic design to bring the representation of the French people into contempt, that so he might bring it into disuse, I cannot now pause to inquire. But it must be confessed that the charge is not destitute of plausibility.

For, first, Charles V., from the commencement to the close of his reign, appears to have studiously confounded together the meetings and the functions of the States General, of the Royal Council, and of the Parliament of Paris. In the three or four of his conventions which usually appear in the Catalogue of

the States General of France, the habits of preceding times appear to have been intentionally disregarded. Neither the mode of electing the deputies, nor the mode of proceeding in the States, nor their composition, nor even the subjects which engaged their attention, resembled those of the reigns of earlier kings.

And, secondly, on his accession to the Crown, Charles assailed the democratic power with a weapon the most keen which can ever be grasped by royal hands, but which had never been wielded by any of his predecessors. It was borrowed from the arsenal of his former antagonists. He became, in his own person, a financial reformer. To him is due the praise of having first introduced into France, or rather into Europe, the practice of carefully estimating and balancing against each other the ways and means, and the expenditure, of each successive year, and of appropriating to each branch of the public service the funds necessary for the support of each.

But while, by this wise economical foresight, Charles was acquiring the confidence of his subjects, Edward, prince of Wales, as administrator of the duchy of Aquitaine, by reversing that enlightened policy, was provoking the just resentment of that brave and irritable people. His unmeaning warfare in Spain involved him in such financial difficulties as to render unavoidable the imposition on his subjects of an enormous house-tax, which bore the name of hearth money.

It was with eager delight that Charles watched the contrast between the conduct of his great rival and his own. Strong in the popularity acquired by his thrift and by his stern resistance to fiscal abuses, and stronger still in the unpopularity which the

Black Prince had acquired by his improvident waste of the public money, Charles ventured to brave at once his two formidable enemies—the English power —and the French democracy. The people of Aquitaine appealed to him, as their suzerain lord, against the misrule of the Prince of Wales, and especially against his exaction of hearth money. To entertain such an appeal would be to declare war against the English prince, and, therefore, against his father. For the decision of that critical question, Charles convened an assembly at Paris.

Whether that assembly was a convention of the States General with elected deputies representing the Tiers Etât, or whether it was a mere meeting of Notables nominated by the king himself, is disputed by the French historians. The words of the only original document illustrative of the subject, which is still extant, are hardly to be reconciled with each other; and afford some countenance to each of those opposite opinions. On the one hand it is clear that the forms and semblance of the States General were studiously maintained: on the other hand it is not less clear that, at the same time, and in the same place, the forms and semblance of a parliament, or judicial tribunal, were maintained with equal solicitude. For, while the whole body was divided into three orders, as in the States General, Charles himself appeared and sat among them, surrounded by his family, and by the chief officers of his crown, as in a parliament. It is hardly to be doubted that the representative and the judicial institutions were thus blended, and confused with each other, designedly. It was no unmeaning ceremonial, or disregard of ceremony. The purpose of Charles was obviously to secure for the acts of the assembly both the deference with

which the French people were accustomed to regard the resolves of the parliament, and the authority which they ascribed to the decisions of their representatives. He designed, by combining in one body the attributes of both of those bodies, to bring both into submission to his own power. He did not so much intend to impart to the States General the character of a parliament, as to secure for the adjudication of a parliament the reverence so generally accorded to the conclusions of the States General.

Transparent as such a device appears to us, it sufficiently answered the immediate object of the king. He could not be more solicitous to propagate the illusion that the assembly was a lawfully constituted court of justice, than the people were willing to accept and to yield themselves to it. A generous enthusiasm in favour of a monarch who excelled in the honest arts of popularity—a stern enthusiasm against the foreign yoke—a hearty dislike (as the French historians assure us) for the cold and repulsive manners of their English conquerors—and a no less hearty disgust for the selfishness of the demagogues who had governed the States General of the reign of John—all concurred in impelling France to defy the English power, and to restore to Charles the prerogatives of which he had so recently been deprived. The Clerical order in the assembly assured the king that he might entertain the appeal from Aquitaine with a good conscience. The Nobles offered him the support of their property and their swords. The Tiers Etât concurred in the propriety of the intended breach with Edward. And when each of the three orders had thus separately spoken, the whole assembly united in the declaration, that the appeal against the exactions of the Prince of Wales ought

to be received, protesting that the king of England would be acting unjustly if he should make that measure the occasion of a war.

It was in May, 1369, that this resolution was adopted. In the following December, Charles again convened the same assembly to perform the less grateful office of providing the means of carrying on the war, in which, at their instance, he was now involved. They, accordingly, agreed to maintain in force the tax on the sale of all goods, the salt tax, and the *ad valorem* duties on wines and liquors. To these imposts they added duties on the entry of wine into Paris and other great cities, and a hearth tax on every house not within any municipal limits. The almost unequalled amount and pressure of these imposts sufficiently attests the strength with which the refluent current of public opinion was now running in favour of the royal authority, and against the democratic influences by which it had been so lately encountered and restrained. That such measures should have been adopted at all,—that they should have been adopted by a body on which the presence of the king, his family, and his officers had impressed the character of a parliament,—and that this great innovation on the constitutional forms of the States General should have been silently tolerated by that body,—all this amounted in effect to nothing less than a great counter-revolution. It was a signal triumph of the monarchical, over the popular, power. It was the commencement of a long series of similar conflicts, and of similar successes—conflicts and successes which terminated, at length, in the transfer of the power of the purse from the representatives of the people to the ministers of the Crown. It will be the object of my two following lectures to trace

out (though, of course, very slightly and rapidly) the progress of those struggles, and to show how they at length terminated in a result so hostile to constitutional government in France.

The obvious, though very imperfect, analogies between the constitutional struggles of that kingdom in the 14th and in the 18th centuries, have of late given a peculiar interest and significance there to the passage of history on which we have been dwelling. The characters and the policy of Le Cocq and of Marcel, of the King of Navarre and of Charles V., have recently been discussed by French writers, very much in the same spirit, and under the influence of motives not a little resembling those, with which we ourselves still debate the merits of Hampden and of Vane, of Cromwell and of Charles I. M. Guizot has shown how far an entire exemption from our English prejudices may assist an author of our own times in pronouncing an equitable judgment on that part of our English annals; and if England could now boast an historical philosopher worthy to be brought into competition with that great man, his estimate of Charles V. and his contemporaries might, in the same manner, supersede the advocacy, or the censures, of their French eulogists or assailants. But unequal as the most profound amongst us may be to emulate M. Guizot's comprehensive survey of men and of their doings, it is within the power of the humblest to remember, and to imitate, his judicial impartiality.

I observe, then, that as neither Charles V. nor his opponents rose above the level of their times, so the conflict between them was conducted in a spirit which, on either side, was almost equally narrow-minded. For;—

First; Le Cocq and the States General, Marcel and

the Bourgeois of Paris, seem to have acted throughout on the assumption, that the democracy must always increase their own strength and resources exactly in proportion to their success in diminishing the powers of the Crown. That each member of the commonwealth is directly interested in the support of the legitimate authority of the rest, was a truth as much hidden from them, as to ourselves, it has become trite and familiar to satiety.

Secondly; the agitators of that day, as of some later days, contemplated the venerable edifice of society, not as a sacred institution to be approached with reverence and touched with awe, but as a mechanism on which the rude hands of ignorance or of passion might be laid without contracting guilt, or deserving punishment. No man's conscience seems at that time to have been possessed with that sense of duty, or to have been alarmed with that dread of sin, which should either animate, or deter, him who undertakes to reform the government of a mighty nation.

Thirdly; in their eagerness to subvert, the States General of the reign of John forgot, or perhaps they did not know, how extreme is the difficulty of reconstruction. They regarded revolution as an exciting game, to be played out in the spirit of audacious adventure, not as the most extreme of all remedies, and the most arduous of all duties; to be undertaken indeed resolutely when the sad necessity arrives, but to be discharged, even then, with moderation and with self-control.

Fourthly; the usurpers of the French government in the 14th century, seem not to have remembered that, in such revolutions, the hour of triumph is also the hour of trial. They learnt, when

too late, that there may be, and often is, no connection at all between the vulgar talent which detects and censures the errors of the rulers of mankind, and the nobler talent which discerns and knows how to pursue the path of safety and of true wisdom. The States General were as unskilful financiers and as unsuccessful administrators as Charles himself; and, in both those functions, far weaker, because far more unpopular, than he. In him the people at large forgave the excesses of youth, and pitied the misfortunes of the most exalted birth, and revered the descendant and representative of a long line of kings. In the blunders of the States General and their commissioners, they despised the incapacity, and hated the insolence, of a body of reckless and arrogant innovators. Reviving despotism could have desired no firmer support in all its subsequent aggressions than the memory of such a revolution, conducted by such persons, to such an issue.

Fifthly; in the excitement of that desperate game, the States General were, in appearance at least, indifferent to the disasters of their common country, and to the high claims which the young heir to the Crown of France had to their forbearance and their zealous support. They rashly hazarded the independence of France rather than forego the opportunity of seizing upon the government. In the very dawn of his manhood they studiously trained up their future king with such prepossessions, and with such just resentments, as could not but render him, in his more mature days, the irreconcilable enemy of the popular cause. Nor;—

Sixthly; is it their least reproach that they squandered an inestimable opportunity of obtaining solid and permanent guarantees for the very reforms which

they most desired to accomplish. The memory of the Provincial Charters of Louis X. was still recent and distinct. They were not ignorant of the powers which their Anglo-Norman enemies were deriving from the observance of not dissimilar charters. It was in their power to secure for their constituents periodical meetings of the States General—the power of the purse—and a large share in the legislative power. On that basis they might have cemented a firm alliance of all the three orders, with a due regard to the powers and dignity of the Crown. But all these advantages were, in their eyes, as nothing, if only Le Cocq might govern France from the tribune, and Marcel be supreme over Paris at the halles.

Seventhly; fatal also, and of ill-omen, was that union of the representatives of the people and the demagogues. Between the guardians of law, of order, and of constitutional franchises on the one hand, and the agitators of the multitude on the other, there can never be any permanent reconcilement, nor any other than a dangerous truce. The States General could not reasonably anticipate any thing but a ruthless and degrading servitude from the elevation of him who had slaughtered the counsellors of the Dauphin at their master's feet, and who had induced, if he did not enjoy, the personal humiliation of the heir of their captive monarch.

Eighthly; it is, on the other hand, impossible to vindicate the Dauphin himself. His conduct in these controversies was improvident, faithless, cruel, and capricious. Yet in his youth, and in the resentment but too justly provoked by his opponents, we may at least discover some apology for his errors, and some extenuation even of his crimes. But;—

Lastly; be the judgment of history on the personal character of Charles what it may, his struggle with the States General is important to us chiefly as illustrating some great and permanent truths. It shows that in political contests success awaits the power which opposes a single and unfaltering purpose to the shifting and uncertain impulses of its antagonists—that though distrust of our brethren may too often be necessary for the defence of society, faith in them is the essential condition of all true social progress—that the privileged orders of any state, if not themselves strictly united, must fall at the first direct encounter with the democracy, at all times their most irreconcilable and their most dangerous enemy—that the habitual and intense contemplation of the wrongs we endure is not the best method of attaining the rights to which we aspire—that while ages pass away, man remains unaltered, the revolutions of one century differing in circumstances only, not in spirit, from those of another—that it is for this reason that history is a science, and not a series of aimless though amusing narratives;—and that (as the wise man teaches) "The thing that hath been is that which shall be; and that which is done is that which shall be done; and there is not any thing whereof it may be said, See this is new. It hath been already, of old time which was before us."

LECTURE XI.

ON THE STATES GENERAL OF THE FIFTEENTH CENTURY.

HAVING in my last lecture attempted to review the proceedings of the principal conventions of the States General of France in the 14th century, I proceed, as far as the time at my disposal will allow, to explain the various attempts and the ultimate failure of the States assembled on the 15th or following age, to maintain the authority of the representatives of the people, and to restrain the usurpations of the royal power. This chronological distinction is not, indeed, very accurately drawn, as I have yet to notice the measures of the States General of 1380 and 1382, but these may be most conveniently considered and reviewed as introductory to those of the reign of Charles VII. and of his two immediate successors.

When Charles VI. ascended the throne of his ancestors, he had not completed his 12th year. He had, therefore, to anticipate the dangers of a long minority; but, otherwise, no prince had ever entered on that

high office with what might have seemed brighter auguries of a prosperous reign. His three uncles, the Dukes of Anjou, of Berri, and of Burgundy, disputed the honour of defending the realm and the person of their young sovereign. Duguesclin and the other great commanders of the armies of Charles V. had wrested from the English nearly the whole of their conquests in France. By the thrift and foresight of that wise monarch, a treasure had been accumulated, which the estimates (perhaps the exaggerated estimates) of that age represent as having amounted to between 250 and 300 millions of francs; and the Assembly, or States General, of 1369 had placed at the disposal of the Crown such permanent financial resources as might seem to have banished all reasonable fear that France would ever again have to mourn over such a defeat as that of Poictiers, or to sign such a treaty as that of Bretigny. Justly confident therefore, as it then appeared, in the prospects of his successor, Charles V. had signalised the last day of his life by the promulgation of letters patent abolishing the hearth tax, and prohibiting the revival of it.

But these brilliant hopes were almost immediately overcast. Louis, duke of Anjou, the eldest of the uncles of Charles VI., and regent ot France during his minority, had been appointed by the will of Jane, the deceased queen of Naples, to succeed to her on the Neapolitan throne. To prosecute his claim to so brilliant an inheritance, Louis stood in urgent need of large sums of money. The treasure accumulated by Charles V. had been deposited for safety in the castle of Melun, and Louis had solemnly sworn to guard it for his royal nephew. He, however, broke open the chests, and purloined the money.

At this time the patience of the people of Paris had

already been severely exercised. They had resented the delay in carrying into effect the abolition of the hearth tax, to which the letters patent of their dying sovereign had entitled them. They had been irritated by an attempt to extend the tax on the sales of merchandise to all those petty articles with which the public markets were supplied for the daily consumption of the citizens. When, therefore, the intelligence of the robbery of Melun reached them, their discontent broke out into actual insurrection. A parliament, as it was called, of the townsmen was convened, and marched, at the head of the insurgents, to the royal palace. A cobbler distinguished himself by a vehement harangue against the further payment of any taxes whatever. The popular fury rose, and was irresistible. Even the chancellor was compelled to provide for his safety by an artifice with which, during the last sixty years, almost every statesman in France has been more or less frequently familiar. He assumed the character of a demagogue, and won the momentary confidence of the mob by exclaiming, "Kings reign only by the suffrages of their subjects, though they may deny it a hundred times." In the name of their youthful monarch the terrified courtiers issued an ordinance, complying with every demand of the agitators. It repealed all aides and subsidies imposed since the time of Philip le Bel; and it declared that the payment of such imposts in time past by the people should never be drawn into a precedent for the renewed exaction of them. The triumph of democratic violence was then celebrated with the usual demonstrations of popular joy. The Jews were plundered of all their property, and the house of every tax-gatherer was given up to pillage.

But France was now again involved in war with England, and to supply the funds required to provide for the public defence, an assembly was convened at Paris, in the year 1380. It is much debated by the French historians, whether this assembly was, in the proper sense of the words, a meeting of the States General. But it is perfectly clear that the members of it assumed the right of granting large duties on the sale of merchandise. They assumed it, however, in vain. The fulfilment of the king's recent pledges was sternly demanded by Paris, and by many other great cities. The demand could not be silenced, and yet it could not be conceded. To collect the existing taxes was scarcely possible. To levy any new imposts seemed altogether hopeless. The war, however, would not remit its demands for money; and so urgent were the exigencies of the public service, that, at length, in January, 1381, an ordinance was made in the royal name, for the imposition of new duties, and for the sale of them as a farm to the highest bidder. The strength and the violence of the popular party had now become so formidable, that no one ventured to undertake the office of proclaiming this unwelcome enactment. At length a man of more than usual address and courage was hired to run the hazard. Mounted on a swift horse he rode into the crowd, and amused them by a story of a supposed robbery, and by the offer of a reward to any one who might detect the criminals; and then, availing himself of the wonder and of the talk which his tale had excited, he abruptly announced that the new taxes would be levied on the morrow, and, setting spurs to his horse, hardly escaped with his life from the rage of the indignant multitude.

This strange device was the signal for a new insurrection. It was called the revolt of the Maillotins.

Barricades were erected; a civic guard was organised; the prisons were thrown open; and, during several successive days, Paris was abandoned to massacre and pillage.

In the midst of these excesses, an assembly of the States General was convened, in April, 1382, at Compiégne, when the first president of the Parliament of Paris demanded, in the king's name, the indispensable supplies for the conduct of the war. The deputies of the Tiers Etât answered by promising to consult their constituents. They did so, and, in due time, reported their decision in the following pithy words: "Potius mori quam leventur." Again, therefore, Charles VI. was compelled to publish a retractation of his recent ordinance, in very nearly the same language as that which had been extorted from him by the first of these Parisian insurrections. Thus it seemed to be firmly established, at least in the North of France, that without the consent of the States General no taxes could be lawfully raised, and that, for the present, their consent to any new taxation was not to be obtained.

The unwonted energy and success of the popular cause in France at this time, is to be explained by the fact, that it was an æra when, under the influence of some strange sympathy, the whole of Europe was agitated by the simultaneous discontents of all her great civic populations. The insurgent spirit, commencing in the Italian Republics, had spread from the south to the north of the Alps, every where marking its advance by tumult, spoil, and bloodshed. Wat Tyler and his bands had menaced London; and the Communes of Flanders, under the command of Philip van Arteveld, had broken out into open war with the counts, their seigneurs, and with their suzerain lord, the Duke of Burgundy. The Flemings

had established intimate relations with the insurgents of Paris, and every eye in that city was turned towards the Burgundian army, which, under the nominal conduct of the young king, was advancing to chastise the Gantois. On the issue of that attempt the fate of the royal and baronial power seemed to hang in France, not less than in Flanders. The battle of Rosbecque decided that controversy in favour of the King and the Duke of Burgundy. It crushed the Flemish revolt, and drove the Maillotins of the French capital first to panic, and then to despair. The victorious army returned to Paris. The citizens were disarmed. Three hundred of the richest of them were drowned or hanged without any form of law. The municipal rights and property of the city were declared to be forfeited. A fine of 400,000 francs was imposed on the Parisians alone. Penalties scarcely less enormous were levied at Rouen, Rheims, Chalons, Orleans, Sens, and many of the cities of Languedoc. The Burgundian soldiers were sent to live at free quarters among them. All the imposts so recently abolished were reimposed by the mere authority of the king. All the pledges given by him, or in his name, were set aside as so many unmeaning words. The reaction was complete; and no less than thirty years elapsed before France ever again witnessed the convention of the States General of the realm.

In that long interval money was sometimes raised for the public service by simple edicts of the Crown, but, more frequently, the concurrence of some of the constituted bodies of the state was solicited to sanction or countenance this usurped authority. On one occasion, the Clergy and the University of Paris were thus convened to give their assent to the imposition of a tax. At another, the deputies of particular

cities were brought together for the same purpose. But neither the battle of Rosbecque, nor the executions and terrors which had followed it, nor the isolated position of the clergy, nor the defenceless state of the Bourgeois, could repress that daring spirit which, in the close of the 14th and in the beginning of the 15th century, had so deeply possessed the national mind of France.

Thus, in the year 1411, the king proposed to the Clergy and University of Paris the imposition of a new tax which should affect all orders of men indifferently; when, in the answer which they returned through the chancellor of Notre Dame, those learned bodies had the courage, or the temerity, to declare, that a king who should so abuse his power ought to be deposed. The chancellor was prosecuted for his audacious words, but the universal enthusiasm in his favour compelled the government to abandon the prosecution.

The reins of royal authority had been strained too far. Public dangers and private intrigues at length compelled the king and his ministers to relax their grasp of them. Alarmed by the perils with which the renewal of the war with England was menacing the kingdom, the Dukes of Berri, of Burgundy, and of Orleans brought their selfish hostilities with each other, and with their sovereign, to a close by the treaty of Auxerre. To ratify the compact by the highest possible sanction, it was resolved to convene once more the States General of France, and thus to obtain such supplies as might be requisite to repel the invader. The States accordingly assembled at Paris in the year 1412, when the chancellor of Guienne delivered, in the name of his sovereign, an address which might well have been stereo-

typed for the use of all ministers who in all future times should have occasion to appeal to the liberality of representative bodies. It eulogised the executive powers who stood in need of money; it magnified the benefits which the possession of money would enable them to confer; and it ended by an earnest entreaty for assistance from those who had money to bestow. "The king," exclaimed the chancellor in his peroration, "requires of you three things, that is, *confort, aides, et secours;*" or, as we should say in English,—money—more money—and yet more money still.

The three orders embarrassed, though certainly not surprised, by the demand, deputed the Clergy and the University of Paris to prepare and deliver their common answer. The choice of men of the Gown for what might well appear a hazardous service was well justified by the result; for never did coat of mail or cuirass cover hearts more dauntless than throbbed beneath the hoods and surplices of those reverend churchmen. Listen, for example, to the following passages from the speech which, in their name, the Abbé du Moutier addressed to the king and princes before whom the knights and burgesses of France had been quailing for the last thirty years. "Most of your revenue officers," he said, "are mere nobodies, who were poor enough when they entered your service, but have grown rich in the course of it. Only let a vagrant become the clerk to a receiver, to a secretary, to a treasurer, or to a general, and forthwith you shall see him ruffed, and furred with martin skins and other rich dresses, so that nobody can know him for the same man. He must needs have a rich sash round his loins, and won't dine with any man who does not treat his guests to hippocras. And all this

waste is at the king's cost. It won't do, however, to reform the petty offenders only. You must begin with the grandees, and give a shake to the Court of Parliament, where sits many a worthless member. The aides were increased on account of the king's wars; but now, when the wars have begun to relax, some of those aides are bestowed by the king on their lordships. As he has given them money, so let them give money to him. Let not the king exempt them from contributing to his service. They are of his own blood. They are his subjects. They hold of him so many noble estates that doubtless they will be among the foremost to assist him." So spake the University of Paris by the lips of their delegate; and not unlike this was the dauntless tone in which, in the following century, our own University spoke by the lips of brave old George Latimer; who, fearing the face of no man, compelled all bad men to fear him.

But, at that time, Paris boasted a far more eminent son than Du Moutier in the devout and learned John Gerson, afterwards the ornament and leader of the Council of Constance. Not even at that celebrated synod did Gerson ever raise his voice with greater energy than when, at the States General of 1412, he asserted the right and the determination of his university to rebuke the king and the princes for the wrongs which they had inflicted on the people of France. "Universitas," he demanded, "representat ne universum regnum? Immo vere totum mundum. Quare ergo non potest et debet, similia verba (veritatis magistra), regi suo et domino liberius intonare? Quid totus diceret Franciæ populus, quem quotidie Universitas, per suos subditos, ad patientiam et bonam obedientiam regis et domi-

norum adhortatur, si non æque bene regi loquereturr, ut sese benigne, juste, et rationabiliter, erga populum suum haberet? Videretur adulationis et dissimulationis factum, nec unquam populus nos audire vellet."

But of all the learned doctors who signalised their public spirit on this occasion the most remarkable was Eustache de Pavily (the public orator, as we should say, of the university), whose expostulations were drawn up in the form of a memorial or written speech, which is still extant. In the name of his constituents, De Pavily impeached Jean de Nesle, the chancellor of the Dauphin, and demanded the seizure of his goods and person; and then addressing himself to Charles, upbraided him with his personal extravagance,—with the non-payment either of the ordinary expenses of his household or of the salaries of his officers,—with the decay of his castles,—with the neglect of his royal domain,—and with the example of his father, who, after nobly employing his revenue in the expulsion of the English, had accumulated a vast treasure for the service of the Crown. Louis XVI. scarcely received from the National Convention reproaches more bitter, contemptuous, or disloyal, than Charles VI. was compelled to hear from the lips of Eustache de Pavily, as the organ of that great and learned society; which, strong in the reverence of Europe and of the Church at large, maintained its independence and its free spirit amidst the wreck of every other popular institution. The courage of the reverend orator may merit admiration; but his invectives were as unjust as they were indecorous; for the sovereign to whom they were addressed was exempted from all personal responsibility, and ought to have been rescued from all such indignities, by the madness under

which he laboured, and which seldom knew a partial, and perhaps never a complete, suspension.

The grievances against which Du Moutier, Gerson, and De Pavily raised these indignant expostulations were however intolerable; as we may sufficiently learn from the Ordinance of the 25th May, 1413, which, at the instance of the States General, was enacted for the redress of them. It was the work of a committee appointed by the States for that especial purpose, and is the earliest of that long series of written constitutions which attest the subtle, the philosophical, and the sanguine spirit of the statesmen of France, but which also attest their habitual unconsciousness or disregard of many simple and elementary truths, moral and political. Such, for example, is the truth, that there has been constituted amongst men a Polity not human but divine — a Polity to which all secular institutions are so far subordinate, that there never can be a perennial spring of life in any civil state, the laws and constitution of which forbid the free action, and the progressive developement, of the state ecclesiastical. Such also is the truth, that communities, like individual men, are subject to duties which they may not abandon, and to laws which they may not violate, with impunity. And such again is the truth, that in political society no real or enduring blessing can be of an ephemeral growth, but must be gained by sacrifices, and perpetuated by tradition, and nourished by reverence, and matured by habit, and maintained, amongst the ruder multitude, by much submissive faith, and by many honest prejudices. Maxims such as these, familiar as they are to ourselves, were as completely hidden from the French people in the 15th as in the 19th century. In May, 1413, therefore, the States General procured the enactment of a royal ordinance establishing a new and

a complete system of government. It regulated the royal domain, the coinage, the taxation, the military expenditure, the audit of the public accounts, the management of the royal forests and navigable rivers, the administration of justice, the office of chancellor, and the constitution of the parliament. Just eleven months afterwards, the whole of this splendid edifice was swept away, leaving behind no trace of its existence, except on the parchments on which it had been delineated. The sacred right of insurrection was once more called into exercise. Vast mobs, who bore the name of Cabochiens, usurped for a moment all the powers of the State; and by a strange imitation of the extravagances of their predecessors in the reign of John, and a still stranger anticipation of the feats of their remote posterity, subjected the Dauphin to the very same insult and humiliation which Louis XVI. was afterwards destined to endure; except, indeed, that the Cap of Liberty worn by the unhappy Louis was red, while that which was forced on the head of Charles was white.

In this reign of terror of the 15th century, the Duke of Burgundy assumed the character which Philippe Egalité was to enact nearly 400 years afterwards in the same city. He organised the butchers of the capital into a force at once military and fiscal; and having collected the public taxes by their agency, employed those funds in supporting the rabble who gathered round his hotel as at once his partisans and his defenders.

The battle of Agincourt was fought in the midst of these tumults. It is impossible, and perhaps if possible it might not be desirable, to repress the exultation with which we dwell on that marvellous victory; yet neither is it desirable to conceal from ourselves

the fact, that our heroic ancestors triumphed over a disunited people — over an undisciplined army — over generals at once unable to command and unwilling to obey — over princes of the blood who had debased themselves into mere demagogues — and over a king whom Providence had smitten with an incurable madness. To these causes, more than to his own capacity or valour, Henry was indebted both for that triumph, and for his subsequent successes. The Bourgeois of Paris became his avowed partisans. The Dukes of Burgundy and of Bretagne basely acknowledged his authority; and, on the 31st of May, 1420, he was solemnly acknowledged as the legitimate heir to the Crown of France.

Yet, even in that hour of humiliation, the French people did not abandon the hope of vindicating the constitutional rights for which they had so long contended. They obtained from Henry a pledge, that he would neither impose nor levy any imposts upon them except for reasonable and necessary causes, nor, even then, except in accordance with the laws and approved customs of the realm. To secure the fulfilment of this promise, they further stipulated that the States General should immediately be convened to give their advice and consent respecting the terms on which the Crowns of France and of England should be combined in the person of Henry, without any such union of the two kingdoms as might impair the independence of either.

Henry observed this engagement so promptly, that the States General of France met at Paris, in obedience to his summons, in the course of the same year. It is, however, a passage of history not to be read without shame and indignation, whether the reader belongs to England or to France. The States General, de-

pressed by the public calamities and stimulated by the Burgundian party, not only submitted to Henry, but openly announced their hostility to the Dauphin. To aid the English king in his war against the legitimate heir to the French Crown, they authorised levies of money in the most oppressive and iniquitous forms. The coinage was to be debased for the profit of the treasury; and all persons possessing property were to be compelled to make loans to Henry on such terms as he might dictate, and on such security as he had to offer. Not satisfied with thus humbling the subjects of Charles of Valois, Henry compelled that unhappy prince, though actually labouring at the time under his constitutional insanity, to appear in person before the States General of France, and there to acknowledge that the treaty of Troyes, which had transferred the royal inheritance of his posterity to the English king, was his own free and spontaneous act, and to declare that it would redound to the praise and honour of God, to his own advantage, to the weal of the kingdom of France, and to the benefit of all his subjects. These lamentable declarations of the insane old man were received by the Three Estates with loud applause, and (as may be read in Rymer), "eandem pacem laudarunt, acceptarunt, et auctorisarunt, referentes humillime gratias utrisque regibus." That the Assembly might drain the bitter cup to the very dregs, they were then compelled to swear to the observance of the treaty of Troyes, and to sanction an edict promulgated in the name of Charles, which denounced as traitors and as rebels all who should presume to contravene that treaty.

In opposition to these intolerable indignities a solitary voice was raised. It is impossible in this place to record without some sympathetic exultation, that

it again proceeded from the University of Paris. The rude and contemptuous menaces of Henry, however, silenced their orator, and the last faint embers of the ancient spirit of the States General seemed to be finally extinct. Confident in his success, and despising those on whom he had thus been permitted to trample, Henry, in April 1421, published in the name of Charles, the titular king, an ordinance, which imposed on the French people all the ancient duties on wines and liquors, the salt tax, and the *ad valorem* duties on the sales of merchandise.

These memorials of the degradation of their forefathers are suppressed by most of the French historians, or are explained by the hypothesis, that the States General of 1420 were composed only of the hired creatures of the Duke of Burgundy and of the English king. If in that, or in any other, supposition the wounded national self-esteem of that great people can find any solace, it is a consolation of which no Englishman should wish to deprive them; for our own ancestors partook largely of the degradation which they inflicted, and grievously abused the advantages which they had won. They constrained, or encouraged, the States General of France to concur with their hereditary but insane sovereign in proclaiming his own and their disgrace,—in denouncing his son as a traitor, for resisting the cruel enemy of his house,—and in extorting money from his subjects to crush the last efforts of that young and gallant prince.

That Shakspeare is not only the best, but the only tolerable, historian of the wars waged by the Roses against France and against each other, has passed from a sportive jest into almost a serious article of our received literary creed. At the risk of a

seeming treason to the majesty of our great dramatist, and of a seeming insensibility to our national glories, I must avow my regret that he ever wrote those parts of his historical dramas (if his they really be) which celebrate the reigns of Henry V. and of his less famous, though far worthier, son. The most exalted genius has, really, no privilege to propagate misconceptions and prejudices hostile to "peace on earth and to goodwill amongst men." That "myriad-minded man" was not, after all, exalted so far above the common level of the human intellect, that, from those heights, he might teach his worshippers to call evil good, and to put darkness for light. The wars of Henry V. were amongst the greatest crimes which disgrace the annals of Christendom, as they drew down upon England, in her own civil wars, one of the most swift and fearful examples of providential retribution. Henry himself, though a lion-hearted captain, has no place amongst the great masters of the art of war. His comrades who, under the names of Fluellen and the rest, have so long provoked our merriment, might have been exhibited, with greater real, though with less dramatic truth, as barbarians who employed the arts of civilisation to convert the fair realm of France into an Aceldama, and who bequeathed to the most distant generations of Frenchmen a hatred of the English name which it is difficult to condemn, even when we most regret or censure the excesses to which it has occasionally given birth.

For all these enormous wrongs, however, the Dauphin lived to take such vengeance as might have satisfied the most vindictive hostility. After the lapse of some years from his elevation to the throne of France, under the title of Charles VII., he was able to boast that he had brought to a triumphant close

the protracted war between the Houses of Valois and Plantagenet—that he had established in France a standing army—that he had provided adequate and permanent funds for the support of it—and that, at the expense of the aristocracy, by whom his father was betrayed, he had enlarged the monarchical power to a greater extent than all or any of his predecessors. Yet it is difficult to assign to Charles VII. a place among truly great princes.

The first and most indispensable element of greatness in active life is a social spirit—that sympathetic temper by which a man can render others the willing agents of his own energetic will, or by which he can render himself the willing agent of minds more powerful than his own. It is in this last sense only that Charles VII. can with any plausibility be ranked amongst the magnanimous rulers of the world. He had not the gift of subjugating to himself the dominant souls or intellects of his age, but he had the gift of discerning, of appreciating, and of obeying them.

Thus, in the midst of his constitutional languor and voluptuousness, he was roused to heroism by two women, who had indeed nothing in common but this power of infusing energy into the torpid genius of their king—by Joan of Arc, the noblest of heroines, and by Agnes Sorel, to whom the present generation of Frenchmen, not satisfied merely to forgive her guilt, are enthusiastically erecting statues. Thus, also, the military ardour which indolence and the love of pleasure might seem to have extinguished in him, was kindled by the influence and the example of Richemont and of Dunois. And thus again in those great administrative duties to which the habits of his early life had most indisposed him, he promptly followed, though he so lamentably requited, the

guidance of Jacques Cœur and of Xaincoing. With a character to which, if he had lived apart from minds superior to his own, it would scarcely have been possible to yield any respect, Charles, submitting himself in turn to each of these influences, became the author of unrivalled benefits to his people;—the emancipator of his native land from a foreign yoke—the triumphant conqueror of her enemies—and the founder of some of the most important of her civil and military institutions,

The first convention of the States General in the reign of Charles VII., of which we have any distinct account (for these assemblies were now accustomed to meet, and to separate, annually without attracting any notice from the chroniclers of the times), was holden at Meun-sur-Yèvre. They represented only those parts of Southern France which, in the year 1426, were still adhering to his cause. Eighty years had now elapsed since France had become the seat of war. Even when peace had been nominally re-established, it had been attended neither by security nor by repose. It had merely thrown the disbanded soldiery on the people for support in a temper as rapacious and as formidable as when they were in open war, but not, as then, governed by any wholesome restraints of military discipline. Relief from this intolerable oppression was, therefore, the one desire and demand of the States of Meun; and when Charles gave them a solemn assurance of redress, they answered by pledging themselves to repay the boon at the sacrifice of all the property, and even of all the rights, which they possessed. They engaged to serve him even to the death with their persons and their substance, and with whatever else was dear to them.

Such pledges are usually nothing more than the

conventional rhetoric of representative assemblies when expressing their gratitude to the sovereign power. But, in this case, a more specific engagement imparted to their language a far deeper significance. The States consented that, inasmuch as they could not easily be brought together, the king might from thenceforward, as often as war should be made upon him, do whatever justice and right should require, without awaiting another assembly of the three orders; and they promised, to obey him with all their power —to live and to die with him in any such quarrel— and (in their own names, and in the names of all the absent people of the realm) to place the lives, the persons, and the goods of them all, at the service of the king, against any persons whomsoever.

At the same meeting the Clergy proposed that a separate fund should be formed for the regular maintenance of the army—a security against the rapine of the disbanded troops, which they very reasonably regarded as of much higher value than the most lavish promises which could be addressed to Charles, or than the most solemn pledges into which he could enter.

We may, however, safely understand the language thus employed both by the clerical order and by the States General of Meun, not as the expression of any deliberate purposes, but as extorted from them by the distress and excitement of those disastrous times. They were willing, at the moment, to abdicate their own privileges, and even to create a permanent dictatorship in the person of the king, that, under the shelter of his absolute authority, they might be secure from wrongs which rendered all franchises worthless, and life itself a burden. Their offers and suggestions did not fall unheeded on the ear of Charles. They were never really forgotten, nor were they eventually

barren of the results to which they so obviously tended. But he did not at once assume the powers thus proffered to him. The time had not yet come for such a departure from what the great majority of Frenchmen then revered and cherished as their national constitution.

Two years after the States of Meun, the one subject of the thoughts of all men in France was the siege of Orleans. To advance his cause Charles assembled at Chinon the deputies of such parts of his kingdom as at that time acknowledged his sovereignty. The Maid of Orleans herself was present there, and popular enthusiasm rose to its highest pitch. By the unanimous acclamations of the Assembly an aid was voted of 400,000 francs. No layman in the realm was to be exempt from it. The nobles, nay even the common beggars, were expressly required to contribute to this sacred fund. Ere long the siege of Orleans was raised. Accomplishing the strange presages of her early life, Joan of Arc conducted her sovereign to Rheims. The Duke of Burgundy renounced the English alliance: and Charles, exulting in his almost miraculous success, caught, for the first time, a distinct foresight of his approaching triumph over the inveterate foreign enemies of his people and of his crown.

With that prospect seems also to have come the first clear intimation of the other approaching triumph which he was to win over the domestic antagonists who had so long circumscribed the power of his ancestors, and who, during the two preceding reigns, had so often agitated France with tumult and insurrection. The first though incomplete accomplishment of these hopes occurred at the States General holden at Tours in the year 1435–6, for confirming the

peace which had been made at Arras with the Duke of Burgundy. The States, on that occasion, submissively concurred in re-establishing those imposts against which the Parisians had so often, and so successfully, revolted.

After three years of tranquillity, during which the contributors made no attempt to resist the exaction of those imposts, Charles, emboldened by their general acquiescence, convened the States General of Orleans in the month of October, 1439. Of all the assemblies of that nature holden in his reign it was at once the most important and the most brilliant. Victorious over the arms of England — the undisputed master of his once rebellious capital — and revered by his subjects as their protector against wrongs still more intolerable than those of war — Charles, shaking off the levity and the indolence of his earlier days, exhibited himself at the States General of Orleans, arrayed in all the outward dignity, and animated by all the royal instincts, of a mighty sovereign. The chroniclers of the age, captivated with the splendour of the ceremonial, labour to describe him, as surrounded by the lords, the prelates, and the commons of his realm — as attended by the princes of his house, and by the great officers of his crown — and as supported by Richemont and Dunois, and the other commanders who had led his troops to victory. They commemorate the orations spoken by the chancellor, and they tell of the sanction given by the States to the projected peace with England, to the ransom of the Duke of Orleans, and to the resumption, by the Crown, of all grants by which the royal domain had been diminished. But they pass over in silence, as they had probably witnessed with inattention, the momentous proceedings which led to the enactment, on the 2d

November, 1439, of the celebrated law, entitled an "Ordonnance sur la Gendarmerie." Yet a law, more important in its principles and in its results, had never before been advised by the representatives of the French people, nor enacted by any king of France.

We have seen that the clergy in the States of Meun had recommended that a fund should be created for the regular payment of the troops, and for the prevention of their rapine and misconduct. One of the counsellors of Charles, and, as it is generally supposed, Jaques Cœur, revived this proposal at the States of Orleans. He pointed out to the deputies the necessity of appropriating in the various provinces funds adequate to this purpose, that so the troops, wherever stationed, might receive their pay with strict punctuality once in each month. And he further suggested that the whole force to be so maintained should consist of 9000 men, each of whom should receive ten livres monthly. There is no complete contemporary evidence in support of the common opinion, that the States of Orleans made a permanent appropriation, for the support of this force, of 1,200,000 livres per annum, payable from the tailles due to the various seigneurs in the kingdom within their respective fiefs. That the case was really so is, however, reasonably inferred, partly from the language of the Ordonnance sur la Gendarmerie, and partly from the proceedings of the States held, fifty years later, at Tours.

The Ordonnance sur la Gendarmerie, by which this resolution of the States was carried into effect, reserved to the king the exclusive right of appointing all officers having the rank of captains, and of fixing the number of their troops. No officer was to assume that title, or to command any soldiers in war, without

the king's express sanction. Every captain was to be responsible for the conduct of those serving under him, and was to prevent their pillage and ill treatment of the people. The whole force was to be subject to the jurisdiction of the king's ordinary judges; and, if any wrong should be committed by any soldiers for which redress could not otherwise be obtained, the sufferers were authorised to invoke the aid of their fellow-citizens, and in concert with them to attack the wrong-doers, and deliver them up to justice. Barons commanding garrisons in their own castles were required to maintain them at their own cost, and were made responsible for their misconduct. All such barons were forbidden to levy tailles for victualling their fortresses, excepting such as had been immemorially payable to them; or themselves to retain the whole or any part of the tailles or aides *granted by the three estates and levied in their seigneuries* — a provision from which is drawn the only contemporary proof that such an appropriation of the seigniorial tailles was actually made. The ordonnance closes with another provision hardly less memorable. It declares that the king will never pardon any one who shall violate this fundamental law; and adds, that if by importunate solicitation he should ever be induced to grant such an indulgence to such an offender, the judges are to pay no regard to it.

You will readily perceive the great magnitude of these innovations. The States General had at once encouraged and empowered the king of France to introduce, in favour of the people at large, and to the prejudice of the seigniorial authority, a reform which the boldest of his predecessors would not have hazarded. The soldiery were now for the first time subordinated to the magistracy and to the law. The

barons, and the men-at-arms serving under them, were reduced from the rank of uncontrolled masters of the people, to that of obedient subjects of the king. The seigniorial tailles became not an occasional but a permanent tax. They were transferred to the royal from the baronial treasuries. The king was placed at the head of a standing army, the gathering of which could no longer be prevented by the active or passive resistance of the seigneurs, and the government of which could neither be disorganised nor usurped by the officers in the immediate command either of battalions or of companies.

The satisfaction with which this great change was regarded by Charles himself, seems not to have been unmixed with anxiety. He saw in it a conclusive proof of the vast influence of the States General over the people of France; and he never again convened them. In enabling him to promulgate the Ordonnance sur la Gendarmerie, they had given proofs of a power, and of a consciousness of power, which, if permitted to increase by further exercise, might as readily abase, as it had elevated, the authority of his crown. By rendering themselves too useful they had, in his eyes, destroyed their own utility. After the dissolution of the States of Orleans, Charles, therefore, provided for such exigencies as he occasionally encountered, by convoking either the Provincial States or Assemblies of Notables. One such assembly met at Nevers in the year 1441. It presented to him a demand for the redress of grievances, and advised him to summon the States General of the kingdom. His answer reminded them that such a convention was no longer necessary to legalise his levying of tailles — a lesson, or perhaps a sarcasm, by which it was now too late for them to profit.

The Notables, that is, the barons and seigneurs, were indeed ere long dissatisfied with the concessions which they had made to the king at Orleans. If Philip de Comines be well informed, their concurrence had been purchased by money secretly advanced by the king for that purpose. But, after some experience of the effects of the Ordonnance sur la Gendarmerie, they presented to him earnest remonstrances against the further execution of it. M. Michelet has given an account (and, as is usual with him, an amusing and picturesque account) of their ineffectual struggles to shake off the fetters which they had inadvertently assumed at Orleans. To all their expostulations Charles opposed a peremptory and decisive refusal. He was now at the head of a force which rendered his decisions, and especially his popular decisions, irresistible.

For the Ordonnance sur la Gendarmerie appears to have been eminently popular, even though it was carried into execution by means the least calculated, as it would seem, to conciliate the people at large. Since the time of St. Louis the tailles had always been apportioned among the contributors by officers of their own election, and who for that reason were called Elus. But, on acquiring a permanent charge on the seigniorial tailles, Charles assumed the power of nominating those officers, and changed their title into that of Elus Royaux. It was the ill-omened intimation of an unwelcome novelty. The irresponsible power of apportioning the tailles among the various fiefs and contributors became thenceforward the fertile source of many abuses. The grievance was augmented by the delegation to the Elus Royaux of a judicial authority in all fiscal cases between the king and the tax-payers. The executive and the judicial functions, in these cases, were thus united in the same

hands; and the ordinary judges were superseded precisely on those occasions on which their arbitrament was most requisite for the protection of the people.

The people were, nevertheless, well content. With the natural and simple instinct which rejoices in immediate relief, and is not embarrassed with the foresight of future and doubtful contingencies, they regarded as a most beneficial measure the law which delivered them from the insupportable tyranny of the disbanded soldiers, who had so long roamed like so many hungry wolves over the land, but who, as members of a regular and well paid army, were thereafter to become subject to law and to military discipline. The songs of those times — then, as at all times, the best criterion of the state of public feeeling in France — celebrate the deliverance of Jaques Bonhomme, by this royal ordonnance, from the tyranny of the Brabançons and from the injustice of the seigneurs.

Even at that time there were probably in France some persons thoughtful and enlightened enough to perceive that the permanent intervention of the Tiers Etat in the government of the kingdom was essential to the public good. But it was an opinion which as yet had struck no deep roots in the minds of the people at large. The cruel and desolating invasions of the Plantagenets during open war, and the outrages of their disbanded troops during each successive truce, had plunged the greater part of France into miseries which, by limiting the hopes of the people to an immediate deliverance from those sufferings, rendered them indifferent to the sacrifices by which that relief was to be obtained.

The administration of the government of Charles VII. was, as I have said, the combined result of many concurrent influences upon the mind of a

prince peculiarly susceptible of the control of spirits more audacious, and of understandings of greater capacity, than his own. Louis XI., his son and successor, on the contrary, gave an eminent and perhaps a repulsive example of a mind so relying on its own inherent vigour, as neither to receive nor to desire the support of any external sympathies. Historical portraits, whether drawn by the writers of historical romance or of romantic history, are rarely entitled to the praise of being faithful likenesses. Yet no one can doubt the general fidelity of the pictures of Louis XI., which have been bequeathed to us by the two great masters of those arts,—by Sir Walter Scott and by Philip de Comines. The reason of their success probably is, that the outline or mere surface of the character of Louis was so singular and so strongly marked, that its features could not be mistaken by the humblest limner; while in discovering the harmony and the reconcilement of them all, genius such as theirs found an appropriate and a worthy exercise.

It was the pleasure and the habit of Louis to be even ostentatiously exempt from those dependencies on other men, or on any outward things, by which ordinary sovereigns are sustained. He delighted to show that, in his person, royalty could not only exist but flourish without the aid of the external majesty of the crown. Except St. Louis, he was the first, as indeed (with the solitary exception of Louis Philippe) he is still the only, king of France whose mind was ever prepared for the duties of that high station by any course of severe and systematic study. Before he ascended the throne of his ancestors, he had profoundly meditated the great Italian authors, and the institutions and maxims of the Italian republics. From those lessons he had derived a low esteem of

his fellow-men, and especially of those among them upon whom wealth, and rank, and power had descended as an hereditary birthright. That sentiment had been cherished by his early and intimate intercourse with such of the French nobility as were his associates in his revolt against his father. It was his pleasure to assume the manners and appearance of a roturier, and to court the society of persons of that class in preference to any other.

Nor was this a mere affectation—a mock humility, designed to enhance his real greatness by a pretended repudiation of it. He not only assumed the dress and manners of an obscure merchant, but was seriously, and even eagerly, inquisitive about all mercantile affairs — habitually consulting and conversing with traders and mechanics, and busying himself about shipping, and manufactures, and mines, and high-roads and markets, without feeling, or affecting to feel, any military ardour, or any desire for the glory which is to be conquered only in the field. His favourites, and even his chief counsellors, were men of vulgar address and of menial occupations.

And yet there was nothing base or unkingly in the spirit of Louis. He clearly understood, and pursued with inflexible stedfastness of purpose, the elevation of his country and the grandeur of his own royal house and lineage. But he pursued them with a torpid imagination, a cold heart, and a ruthless will. He regarded mankind as a physiologist contemplates the living subjects of his science, or as a chess-player surveys the pieces on his board. They were in his eyes but the materials on which his skill was to be employed, not brethren of whose good or evil fortunes he must himself be the partaker. With no apparent delight in human suffering, he appears to have been

altogether unmoved by the miseries he inflicted. With no distinct preference for tortuous over direct courses, he unscrupulously practised deceit whenever it seemed best to answer his immediate purpose, and apparently enjoyed the occupation of weaving for his enemies toils at once too fine to be detected, and too strong to be escaped.

It has been said of Louis XI. that the appearance of the men of the Revolution of 1789 first made him intelligible. Before that era, the world had been sufficiently familiar with selfish tyrants, but had seldom seen, and had never understood, a pitiless innovator. Louis was the first of the terrible Ideologists of France—of that class of men who, to enthrone an idolised idea, will offer whole hecatombs of human sacrifices at the shrine of their idol. The Idea of Louis was that of levelling all powers in the state, in order that the administration of the affairs, the possession of the wealth, and the enjoyment of the honours of his kingdom, might be grasped by himself and his successors, as their solitary and unrivalled dominion.

The feeble superstition which was united to this relentless inflexibility of ambition, was not incongruous with it, but the reverse. When a will so resolute, and an intellect so perspicacious as his, have surrendered the whole man, with all his powers, to the pursuits of this transitory world, the mysterious powers of the world of spirits, and of the world to come, will haunt the fevered fancy, and oppress the burdened conscience, with terrors which the mind has not either the leisure to analyse, or the composure to interrogate. The leaden images, or amulets, borne by Louis on his person, were but so many varieties of those mystic spells which Julius recognised in the flight of birds, and Napoleon in the Sun of Austerlitz.

Louis may be considered as having been the living solution of the problem—What is the greatest amount of mental sagacity which can be combined with the smallest amount of human sympathy? or of the problem—What is that point at which selfishness darkens the clearest vision, and defeats the most subtle scrutiny into the secrets of other minds? Lacking the wisdom of love, he was, at length, but seeming wise. His understanding, though almost preternaturally acute, was continually baffled from his want of that magnetic chord which in guileless bosoms vibrates to every genuine feeling, and interprets every honest motive, of those with whom they have to do.

Once and only once, during his reign of twenty-two years, did Louis XI. convene the States General of his kingdom; nor does any incident of his life afford a more curious illustration of the peculiarities of his character than is afforded by his management of that assembly.

Before his accession to the throne, all the great fiefs into which France had been divided under the earlier Capetian kings had, with the exception of Bretagne, been either annexed to the royal domain, or reduced to a state of dependence on the Crown. But, under the name of Apanages, these ancient divisions of the kingdom into separate principalities had re-appeared. The territorial feudalism of the Middle Ages seemed to be reviving in the persons of the younger branches of the royal house. The Dukes of Burgundy had thus become the rulers of a state which, under the government of more politic princes, might readily, in fulfilment of their desires, have attained to the rank of an independent kingdom. The Duke of Bretagne, still asserting the peculiar privileges of his duchy, was rather an ally than a subject of the king of France. Charles,

duke of Berri, the brother of Louis, aspired to the possession of the same advantages. And these three great territorial potentates, in alliance with the Duc de Bourbon and the Comte de St. Pol, the brothers-in-law of Louis and of his queen, united together to form that confederacy against him to which they gave the very inappropriate title of La Ligue du Bien Public. It was, however, a title which recognised the growing strength of the Tiers Etat, and of that public opinion to which the Tiers Etat at once gave utterance and imparted authority. Selfish ambition was thus compelled to assume the mask of patriotism. The princes veiled their insatiable appetite for their own personal advantages under the popular and plausible demands of administrative reforms—of the reduction of imposts—of the government of the people by their representatives—and, consequently, of the convocation of the States General.

To these pretensions Louis was unable to make any effectual resistance. At the commencement of his reign he had imposed on his subjects a series of exactions as illegal as they were burdensome, and the Leaguers had therefore, in the commonalty of France, allies who, for the moment, rendered them irresistible. The king consequently yielded, or appeared to yield, to the necessity of his condition. He assented, in terms at least, to all the demands of his antagonists. He granted to the Duke of Berri the duchy of Normandy as an apanage transmissible in perpetuity to his male heirs. He promised to revoke all the fiscal laws against which the Leaguers and the people had protested. He bound himself to form a council of government, to be composed of members of the University, of the Parliament, and of the Bourgeoisie of Paris. He admitted the claims of his opponents for governments, privi-

leges, and dignities, almost as promptly as they advanced them; and, that nothing might be wanting, he signed at Conflans a treaty, by which he solemnly pledged himself to the observance of these engagements. The confederates then laid down their arms. The wily monarch bided his time. He had bestowed on them advantages which he well knew would destroy their popularity and so subvert the basis of their power, and which he also knew the state of public opinion would not allow them to retain. To wrest those advantages from their hands it was only necessary to comply with their last stipulation, and to convene the States General.

They met accordingly at Tours, on the 6th of April, 1468. The leaders of the Ligue du Bien Public absented themselves, distrusting probably, when too late, the policy which had induced them to invoke the appearance of such formidable auxiliaries. In the whole design, and ceremonial, and procedure of the assembly they might indeed trace, with just suspicion and anxiety, the working of the subtle spirit of their crafty king. The elections, as some maintain, had been so conducted, that the same persons were every where chosen to represent at once the Noblesse, the Clergy, and the Bourgeois. The king (says Comines) had taken great care that such deputies only should be elected as were satisfactory to himself, that so he might be assisted and not embarrassed by them. Many of them were persons of low degree, and some were apparently mechanics. The hall of meeting was so arranged, that the deputies of each of the three orders sat promiscuously together, and deliberated and voted in common. The utmost freedom of speech was conceded to them, and every democratic pretension was received by Louis with marked and studied de-

ference. He judged it impossible to give too great a weight, or too keen an edge, to the weapon which he was about to turn against his adversaries.

The deliberations were then opened. The chancellor delivered a homily on the decline of passive obedience, founded on the book and the example of Joshua. "The king," says the chronicler, "in his own person and in his own words, made a clear and notable summary of the questions then depending, with respect to the duchy of Normandy, which his brother, my Lord Charles, proposed to take for his apanage; and the king said that he was unwilling to decide in his own favour in a cause and quarrel in which he was himself engaged, and did not think it right to assume that, in such a controversy, he could of himself distinguish what was right and equitable, and therefore he protested that he was altogether insufficient for the decision of such a cause, but referred it to them as a cause touching the welfare of the whole kingdom."

After listening to this extraordinary manifestation of the royal diffidence and humility, an orator arose who, one might conjecture from his style and his similes, belonged to that worshipful society of barber surgeons for whom Louis had so strange a predilection. "States and men," he said, "were in common liable to three mortal maladies—the loss of a limb, a burning fever, and a hæmorrhage. A state laboured under the first of these diseases when any of her provinces were taken away; under the second, when she was harrassed by disbanded soldiers and tax-gatherers; under the third, when drained of her money by remittances to Rome, or by the purchase of foreign luxuries." To this diagnosis of the maladies of France he added the following therapeutic advice. "Let the grant of Normandy to the Duke of Berri be cancelled. Let the

soldiery be compelled to obey the Ordonnance sur la Gendarmerie. Let the taxes be made uniform, and the salt tax reduced. Let the Pragmatic Sanction be re-established. Let sumptuary laws be enacted; and let all parts of exorbitant pensions be revoked."

One is compelled to regret the now irreparable loss of the name of a speaker who could express himself so pithily and so much to the purpose; but the reporters of those days, more parsimonious than in our own, have suppressed it, and with it all the other speeches delivered at the States General of Tours of 1468, although eight successive days appear to have been passed in pronouncing and in listening to them. Boulainvilliers indeed declares, with the aristocratic indignation with which all the sayings and doings of this plebeian assemblage affected him, that the usual decorum of such meetings gave place to tumultuary acclamations, in which no heed was given to the voices of the nobles, nor to those of any individual members. But, however little we can ascertain what they said, there is no doubt at all as to what they did.

First; they resolved that "for no earthly consideration, whether favour or brotherly kindness, or the obligations of a promise, or the convenience of making such a settlement, or fear, or the threat of war, or regard to any temporal evil, could the king acquiesce in the separation from his crown of the duchy of Normandy, or in the transfer of it into the hands of any man living from his own." Secondly; they declared that my Lord Charles ought to be satisfied with an apanage of 12,000 livres of annual rent, and with a titular dukedom or earldom; but that, as the king was pleased to augment it to 60,000 livres, he ought to be very grateful. Thirdly; they decided that the Duke of Brittany, who was exciting disturbances

in the kingdom and contracting alliances with the English, ought to be summoned to surrender the cities of which he had possessed himself, or driven from them by force if necessary — the clergy promising to promote the success of any such measures by their prayers — the two other orders pledging their persons and their property for the advancement of them. And, finally, the States resolved that an embassy should be sent to the Duke of Burgundy, to invite him to concur with the king in the establishment of justice and order throughout the realm.

Thus far the deputies had laboured for the support of the royal authority against the confederates of the Ligue du Bien Public. It remained that they should attempt something for the benefit of their own constituents. They, therefore, represented to Louis that his troops were ill disciplined — that justice was ill administered — and that the public finances were ill regulated. The admonition was received not only with courtesy, but with the most edifying meekness. The seditions provoked by his enemies had, as he acknowledged and deplored, given birth to the abuses of which they complained; and, that they might be effectually remedied, he invited the States General themselves to nominate commissioners to be employed in the great work of reformation. Shouts of grateful applause welcomed the proposal. Who could doubt that the task of correcting misgovernment was already in effect accomplished, when delegates of the representatives of the people were called, by the king himself, to the discharge of it. The States General of 1468 were therefore dissolved, but not till they had first selected the commissioners of public reformation. It is almost superfluous to add, that the commission attempted little, and effected nothing.

Louis himself, however, had accomplished all the objects for which he had hazarded the convention of the three orders of his people. The Duke of Berri resigned his apanage. The Duke of Brittany abandoned his English alliance. Louis resumed all the grants which distress had extorted from him. For those advantages he was indebted to the formidable auxiliaries with whom he had just parted. Subservient as they had been, they had given proofs of a moral power, with which, if their temper should change, it might be perilous to contend. The wily monarch descended to the grave without affording them another opportunity of engaging in such a contest.

Few of the sovereigns of France have contributed so much to her permanent greatness as Louis XI., and none ever died amidst a more universal unpopularity, or more bitter resentments. His offences were of that class for which Frenchmen have the least toleration. Cruel, crafty, and cold-hearted, he wounded the moral sense of his people, without being able to kindle their imagination, even when he promoted their aggrandisement. His death brought to an end a protracted and merciless reign of terror. The princes of his house quitted the dungeons in which they had been taught to acknowledge and to lament the extinction of the boundless privileges which had been so long attached to the blood royal of France. The Noblesse once more breathed freely, and indulged the hope that they should not again see their order subordinated to base-born usurpers of the high offices of the state, nor have to mourn the ignominious destruction, on the scaffold, of families which traced their lineage through the most ancient of the peers and the greatest of the feudatories of the kingdom.

The army anticipated a time when French soldiers should no longer be superseded in the highest and most honourable services by Scotch or Swiss mercenaries, nor condemned to waste their martial energies in an inglorious repose. The peasantry, still groaning beneath the unmitigated oppressions to which they had so long been subject, had at least nothing to regret from the loss of their king; as indeed they had nothing to hope from his successor. Yet, by two classes of his subjects, though by them alone, Louis was probably lamented. The Bourgeois lost in him the most zealous promoter of their commercial interests who had ever filled the throne of France; while, by his death, the men of letters and of enlightened intellects were deprived of an associate whom they regarded, if with fear and mistrust, yet with genuine and unbounded admiration. From the memoirs of Philippe de Comines we may learn how profound was the impression made by Louis on the few who were capable of appreciating the wealth and the variety of his mental resources, and of following the eagle glance with which he penetrated the folds of the human heart, and the labyrinths of human policy.

Louis was gathered to his fathers on the 30th of August, 1483; and Charles, his only son, a boy of little more than thirteen years of age, reigned in his stead. His mother died four months later; and the administration of the government, in the name of the young king, was a prize disputed between three principal competitors. They were, first, his eldest sister Anne, the Lady of Beaujeu, so named as being the wife of the Sire de Beaujeu, a younger son of the House of Bourbon, and therefore, though very remotely, a prince of the blood royal. The second

aspirant to the virtual regency was the Duke of Bourbon, the elder brother of Beaujeu, and therefore, of course, bearing the same relation to the reigning family. The Duke of Orleans, who was at once the presumptive heir to the Crown and the husband of Jane, the younger sister of Charles, was the third of the candidates for that dignity. His cousin, the Duc d'Angoulême, the next in the line of succession, was content to wave his own less considerable pretensions.

This controversy was at first settled by the kinsmen and courtiers of Charles between themselves, in favour of the Duke of Bourbon, who accordingly received from the young king the offices of Constable and Lieutenant-General of France. But Bourbon was grievously afflicted with the gout, and proved a feeble and incapable administrator of affairs of so much weight and difficulty. Alarms of war from Austria and England combining with internal distress and popular discontent — those chronic maladies of France — enhanced at once the perplexities of Bourbon and the ambitious hopes of his competitors for power. When, therefore, the voice of the nation at large demanded that the States General should be convened, to place the government of France on a surer basis, the kindred and the ministers of Charles had neither the power nor the wish to oppose any obstacle to a measure by which alone, as it was universally believed, the nation could be rescued from the embarrassments in which it was involved, and from the yet greater evils with which it was threatened.

The States General of France were, for these reasons, again convened at Tours, where they met in January of the year 1484, if the year be considered

as commencing in that month, or of the year 1483, if, according to the habits of those times, Easter be considered as the commencement of the year. Their proceedings, whether we have regard to their tone and character, or to their immediate results, constitute the most important passage in the history of such assemblies.

Hitherto the States General had met in times of comparative intellectual darkness; but now might be distinctly perceived the dawn of that day which, in the following century, was to burst in its full radiance on the nations of Western Europe. In Italy, indeed, it had already risen, and had illuminated that hereditary land of genius, not only with poetry, and art, and literature, but with philosophy also. Even the papal chair had been filled by some of the most accomplished scholars and most profound thinkers of that age. Cosmo di Medici had combined in his own person all the munificence of a princely merchant, and all the magnanimity and wisdom of a patriot prince. If in France itself neither poetry nor history had given birth to any immortal works, they had at least, under the humbler forms of fable and romance, called the national mind into active exercise. Froissart and Monstrelet had recorded the feats of arms of their own days, as they would have told of the achievements of Amadis of Gaul, or of Amadis of Spain; while another race of authors, taking Livy for their model, had invested the warriors of Charles V. and of Charles VII. with the demeanour of Roman consuls, and with the rhetoric of the Roman Forum. Commerce also had begun to teach her lessons of comprehensive philanthropy. And Wicliff, and Huss, and Jerome of Prague, had so widely diffused their opinions, that, even in France, the Church of Rome,

awakening from her fancied security, was attempting to arrest the progress of knowledge and of truth by her habitual and her sharpest weapons of persecution.

How powerful was the combined influence of all these causes on the States General of 1484 may be learnt from the Procés Verbal of their proceedings, for which we are indebted to Masselin, who was at once a canon of the cathedral church of Rouen and among the most zealous of the deputies attached to the popular cause at that assembly. From him we gather, that so brilliant a convention of the representatives of the people of France had never before been brought together. On an elevated stage or platform, erected in the great hall of the episcopal palace of Tours, sat the young king, surrounded to the right and left by the constable, the chancellor, and the other great officers of state; behind whom sat two cardinals, with the six ecclesiastical peers, and the princes of the blood royal as representatives of the six lay peers; behind whom, again, stood twenty nobles of the highest rank. In front of this royal and princely assemblage rose two semicircular benches, on the foremost of which were ranged such of the deputies as belonged to the two privileged orders, the hindermost being occupied by such of the deputies as were themselves bourgeois. A picture of the hall thus apportioned amongst the various sections of the assembly has been repeatedly published, to illustrate and support the theory of some recent historians, that it formed a visible adumbration of the legislature convened under the charter of 1814, of which the King, the Chamber of Peers, and the Chamber of Deputies were all component and indispensable ele-

ments. If so, the type and the antitype were at least so far alike, that they were almost equally transitory.

A less doubtful analogy between the two assemblies may be found in the presence in each of men of literary renown. Measureless, indeed, is the interval between the illustrious authors who imparted dignity to the national representation under Louis XVIII. and their predecessors who sat among the deputies convened at the episcopal palace of Tours by Charles VIII. Yet Theology was represented there by Cirey and by John de Villiers — the Humanities by De la Souze — Astronomy by Denys de Bar — Poetry by John Meschineau — and History by Masselin himself — worthy representatives of those various faculties, as, on the report of others, I willingly believe; but, whether worthy or unworthy, memorable as illustrations of the fact, that, nearly 400 years ago, France assigned to her intellectual aristocracy the same share as at the present day, in the conduct of her most arduous political affairs.

Another resemblance between Frenchmen of that remote age and their descendants in comparatively modern times, may be discovered in the speech with which the Chancellor of France opened the sessions of the States General of 1484. He paid to their native land that tribute of admiration by which that patriotic race have ever fed their national self-esteem; and he contrasted French loyalty with English sedition in terms like those in which Frenchmen have ever since nourished their vindictive hatred and contempt for their neighbours. The speaker then passed on to the praises of their young king, whom, with curious infelicity of phrase, he described as "Solomon the Pacific," whose wisdom was, he said, exhibited by his early wish to meet his subjects, to make known to

them the state of his kingdom, and to associate them to himself in the management of its affairs. "He entertained not so much as a thought of putting his royal hands into their pockets. He would maintain his government by means of his royal domain, and would ask no pecuniary aid from them, unless indeed (as it *might* happen) such a request should be dictated by necessity, and by his zeal for the public good."

It appears that 246 deputies listened, or that, at least, so many were entitled to listen, to these honied words; and from Masselin we learn, that no one of those deputies had been elected by the members of any single order alone; but that in their respective counties, bailliages, or sénéchaussées, the clergy, the nobles, and the bourgeois had all joined together to elect members to represent them in common. If the fact be so, it is the more easy to understand the motives of another remarkable innovation. The deputies agreed to deliberate, not in separate orders, but collectively: that is, they resolved themselves into six bureaux, corresponding with the six *nations* into which France was then considered as divisible; the "nations," namely, of Paris, or the duchy of France, of Normandy, of Burgundy, of Aquitaine, of Languedoc, and of Languedoïl. By each of those bureaux was to be prepared a cahier of grievances; and the six cahiers were then to be decomposed, and remoulded into one general cahier, by a committee of thirty-six deputies, whose report was afterwards to be adopted or amended by the collective States General.

Within the narrow limits of time to which I am unavoidably confined, I cannot exhibit even an epitome of the subsequent proceedings, which Masselin has recorded at great length, except by attempting

to abbreviate the various demands comprised in the ultimate or general cahier, and the various answers, which, in the name of the young king, were returned to them.

First, then, by the Pragmatic Sanction of Bruges, Charles VII. had reserved to the kings of France what have been so inappropriately called the liberties of the Gallican Church; that is, the right of the Crown to nominate both the bishops and other great benefices, and to prevent the remittance of money to Rome. Louis XI. had abandoned and revoked this royal ordinance. The States General now demanded the re-establishment of it. The royal answer, in substance, was, that any further legislation on the subject would be superfluous, because the Gallican liberties were sufficiently secured by the general and permanent laws of the realm; from which no particular enactment could derogate, and to which no such enactment could add any new strength.

Secondly. The Noblesse demanded that the Ban, and Arrière Ban, should be less frequently called out—that time should be allowed them for redeeming the debts with which the exigencies of the war had compelled them to burden their estates—that they should be restored to their ancient rights of the chase—and that all foreigners should be excluded, in their favour, from military commands, and from the government of any of the cities or fortresses of France. To these claims the king's unqualified assent was given.

Thirdly. The complaints of the Commons were preferred in terms so simple and pathetic that I regret the necessity for confining myself to a brief quotation from them. They said that, "during the last thirty-four years, the king's troops have been continually passing and repassing through every part of France—

now the gendarmerie, then the noblesse of the Ban — at one time the French archers, at another the hallebardiers — sometimes the Swiss and sometimes the pikemen — but all in turns living on the poor people. Though hired to prevent oppression, they are themselves the most grievous of all oppressors. The poor labourer must pay for the hire of the man who beats him, who turns him out of his house, who carries off his substance, and who compels him to lie on the bare earth. When the poor man has with extreme difficulty, and by the sale of the coat on his back, managed to pay his taille, and is comforting himself with the hope that he may live out the year on the little he has left, then comes a new troop of soldiers eating and destroying that little; and, not satisfied with what they find in the poor man's cottage, compelling him with heavy blows to seek in the town for wine, for white bread, for fish, for groceries, and for other extravagancies; so that, if God did not comfort the poor man, and give him patience, he would fall into utter despair. In Normandy a great and countless multitude have died of hunger: others, in despair, have killed their wives, their children, and themselves. From the want of beasts of labour, men, women, and children there are compelled to yoke themselves to the carts; and others, fearing that if seen in the daytime they will be seized for non-payment of their taille, are compelled to labour through the night. All which things being considered, it seemeth to the States General that the king ought to have pity on his poor people, and ought to relieve them from the said tailles and charges."

With this pathetic preface the States General demanded of the king that all the alienated parts of the royal domain might be resumed — that all useless

offices might be suppressed—that the pension list might be retrenched—and the army diminished. The cry of misery was, however, but little heeded by those who then dictated the answers from the throne. They promised nothing except that due care should be taken to resume the alienated parts of the royal domain.

Fourthly, came the demands for judicial reformations. The States General proposed that the judges should hold their offices for life,—that on each vacancy in their number the remaining judges should nominate three candidates, from whom one should be chosen by the king,—that the number of judicial offices should be diminished,—that they should be no longer venal,—that the king should no longer *evoke* causes from their natural judges, and transfer them to special commissioners,—that the customs of the realm should be ascertained and reduced to writing,—that all suitors might be allowed to appear by their procureurs,—and that no implement (animate or inanimate) of agricultural labour should be liable to seizure on any process from the courts of justice. To all these demands, except those which related to the number and the sale of judicial offices, the king promised to accede.

Fifthly. With regard to commerce, the States General demanded, with no very apparent consistency, first, that there should be a perfect freedom of trade within the realm; and, secondly, that those frontier fairs and markets should be suppressed, by means of which the foreigner introduced his wares into France. To either branch of this commercial policy, the restrictive as well as the liberal, the States were assured of the royal adhesion.

Such were the grievances of which they sought the redress, and such the assurances which they received

of their removal. It remained to determine what were the pecuniary aids by which they were willing to purchase these advantages. I pass over reluctantly, but unavoidably, the long debates which preceded their ultimate decision. But the terms of that decision are too important to be omitted. The States declared that, for the assistance of the king in his great affairs, and for the payment of his troops, they would give him, as a free and gratuitous grant, but not on any other ground, the same sum as was annually raised for the support of the government of Charles VII. (that is, as we have already seen, 1,200,000 livres per annum); but that this grant was to be in force during two years only. Further, as a special gratification, they voted an additional 300,000 livres payable during one year only. But they at the same time requested, that he would be pleased to convene and hold the States General of France within the next two years at whatever time and place he might see fit, and that he would immediately declare what that time and place should be, "inasmuch as the said States General expected that thenceforward no taxes would be imposed on the people until they should have been convened and consulted on the subject, nor unless the imposition of such taxes should be made with their free will and consent, as the guardians and keepers of the liberties and privileges of the realm."

These grants were of course accepted. It is almost as much of course to add, that the conditions on which they were thus made were *not* observed by the royal grantee. It seems, indeed, that they were not even noticed in his answer.

Charles was a boy in his fourteenth year, of feeble health, and so little qualified to sustain either the

mental or the bodily labour of governing a great nation, that he was compelled, by sheer fatigue, to break up prematurely the royal session for receiving the cahier of the States General. After little more than two hours had been passed in reading it to him, it became evident that his strength was exhausted, and that the chair on which he reposed was as capable as himself of understanding the language of the representatives of his people.

To those representatives, as to the princes of his house, the fiction that such a youth was of full age, and competent to reign in his own person, had from the first appeared in its true absurdity, nor did they even affect to yield any deference to it. They openly and avowedly debated to whom the real regency of the kingdom should be entrusted.

It was at that time actually in the hands of the Lady of Beaujeu. It was apparently vested in a council of fifteen; composed of the princes of the blood, and of several of the former ministers of Louis XI. But that council was itself divided into two parties; the one in the interest of the Bourbons, the other attached to the Duke of Orleans. To throw the whole preponderance of authority into the hands of the duke, the president of the States General (one of his partisans) proposed that the administration of the government should be committed to a council of twenty-four; that is, of nine persons, to be selected by the States General themselves, in addition to the fifteen who were actually seated there,—that the choice of the nine should be made by each of the six "nations,"—but that the Parisians (who were Orleanists) should be allowed to choose a greater number than any other "nation," in proportion to their superiority in wealth and population to any other.

To avoid this disparity, the other five "nations" concurred in a resolution to establish a council of twenty-six, and, for that purpose, to reduce the fifteen actual councillors to eight, and to add to the eight eighteen more, of whom each of the six "nations" was to elect three. Orleans, or his adherents in the States General, and especially the Parisian party, opposed this project by an unqualified denial of the right of that assembly to interfere at all in the nomination of a regent. They maintained that, in the case of the incapacity of the king, the princes of the blood, and especially the heir presumptive to the Crown, had an inherent right to assume the provisional exercise of the kingly office.

There is, indeed, no new thing under the sun. When, in the year 1788, the Prince of Wales, by his friends in the House of Commons, claimed, as of right, the regency of Great Britain, the indignant and democratic protest of William Pitt might have passed for an imitation of that which, in the year 1484, had been made, in the States General of France, by Philip Pot, against the corresponding pretensions of the Duke of Orleans.

After denying the existence of any law which devolved the government of France on the princes of the blood during the minority or incapacity of the king, and after observing that the very expression, "princes of the blood," was susceptible of many different meanings, Pot exclaimed, "Above everything else be assured, that to the people, and to them alone, it belongs to determine any question affecting the welfare of the commonwealth at large — that the government of it has been confided to our kings by the people — and that they who have possessed themselves of that power by any other means than

the consent of the people, are nothing else than tyrants and usurpers. It being evident that our king is unable to govern the state in his own person, the government of it reverts to the people from whom he received it, that so they may resume that which is their own. By the people I do not mean the populace, or merely the commons of the realm, but all Frenchmen of every condition. Even so, under the name of the States General, I mean to comprise the princes themselves; nor do I regard any inhabitant of France as excluded from the meaning of that comprehensive term."

The regency debates in France, as in England, were both long and tedious. In the progress of them the States General were about to resolve on a joint regency, to be divided between the Duke of Orleans and the Lady of Beaujeu;—a measure which, combined with that of a council of twenty-six, would have placed the real administration in the hands of the eighteen selected deputies, to the exclusion both of the princely and of the Parisian aspirants. In an evil moment for his own ambition, Orleans attempted to parry this attempt by a message to the States, in which he advised them to interfere no further than by merely adopting a resolution that the Sire and the Lady of Beaujeu should retain the position which they had hitherto occupied near the person of the king. To this advice the Beaujeu or Bourbon party gladly, though with affected reluctance, gave in their adhesion. The deputies finding that the princes were thus at length unanimous, adopted the advice of the Duke of Orleans, though not without the ardent resistance of the "nations" of Normandy and Burgundy.

The cahier, so far as respected the regency, was

therefore drawn up as follows:—It acknowledged the competency of the king to despatch all the public business, so long as he should act in conformity with the advice of his council. It requested him to preside as often as possible at their deliberations, that he might be trained betimes to the conduct of affairs. In his absence the Duke of Orleans was to preside. In the absence of Orleans, the presidency was to belong to the Duke of Bourbon. In the absence of both dukes, it was to pass to the Sire de Beaujeu. The other princes of the blood were to sit and vote in the council according to their rank. Twelve additional councillors were to be selected from the six "nations;" but the selection was to be made by the king and the princes. M. de Sismondi shall explain the real character and effect of this policy.

"The deputies," he says, "had risen to the height of the loftiest and the noblest constitutional principles. But, after having announced that the whole sovereign power was their own, they abandoned themselves to the guidance of chance, by remitting that power into the hands of a child, without appointing for him a regent, a council, or a tutor. After having resolved that the nations should be represented in the royal council by at least twelve members of the States, they abandoned the choice of those members to the king himself—a decision dictated by the narrow and selfish calculations of the section of Paris, which doubted not that the royal choice would fall on some of the inhabitants of their own city."

The States General of Tours were then dissolved. Anne of Beaujeu became the undisputed, though not the nominal, regent of France. To the demands of the deputies, that no duties should be raised with-

out their consent, and that they should be again convened within two years, no answer whatever had been returned. Before one of those years was over, the chronic disease of the royal government of France reappeared. The revenue was again insufficient to meet the exigencies of the public service. In the name of the young king, the Lady of Beaujeu, therefore, promulgated an ordinance rendering permanent the additional revenue of 300,000 livres, which the States had expressly limited to a single year. After the lapse of the two years, during which alone the States had authorised the levying the tailles, she promulgated another ordinance, authorising the continued exaction of them. She required the Parliament of Paris to register these ordinances, and they immediately obeyed. Thus, by the mere registration by a court of justice of a royal ordinance, and without any other formality, the property of the people at large was brought within the grasp of their sovereign. This great revolution was effected silently, without resistance, and, as it might seem, without notice, at the very moment when the most powerful assembly of the States General which France had ever seen had asserted, as an incontrovertible principle, that no taxes could be levied on the people of France except with the consent of their representatives. The king had thus become the single and the absolute legislator in all fiscal matters. For, at this period, the Parliament of Paris had not asserted their pretension to represent the States General of the nation during the intervals of their successive assemblies. They did not then even claim the right of remonstrance. The University of Paris, indeed, requested them to assert that right; but their answer, as quoted by Pasquier, was, that it was their office

not to solicit justice, but to do justice; and that, in a case where they were judges, they could not degrade themselves by becoming suitors.

We have already had occasion to see how much, in later times, the Parliament of Paris elevated their tone, and enlarged their sphere of action with regard to royal ordinances. But their subserviency to Anne of Beaujeu frustrated all the labours of the States General of Tours. Eighty years rolled away before France ever witnessed another free assembly of the representatives of the people. In that period the monarchy had, in the fullest sense of the word, become absolute. After the lapse of other centuries, the Parliament of Paris, reversing the decision of their predecessors, discovered and declared their own incompetency to register any of the fiscal edicts of Louis XVI. There are, even yet, some surviving amongst us who remember the commencement of the convulsions which immediately followed. It is doubtful whether there is amongst us any one who will live long enough to witness their effectual termination.

LECTURE XII.

ON THE STATES GENERAL OF THE SIXTEENTH CENTURY.

Suppose a man, thoroughly conversant with the histories of Greece and of Rome, and not unacquainted with that of England, but profoundly ignorant of the history of France, (the supposition is not really so extravagant as it may sound)—suppose such a man to be told, that, from the year 1302 till the year 1789, the acknowledged law and constitution of that kingdom had confided the right of imposing taxes, for the support of the government, to an elective assembly fairly representing the clergy, the nobility, and the commons of the realm, and to that assembly alone;—that, in point of fact, such an assembly had been convened at every great crisis of the national fortunes throughout the three first centuries of its existence, and not seldom, during that period, from year to year;—that, at different epochs, such assemblies had made or sanctioned innovations of the utmost

importance both in the polity, and in the policy, of the State;—that this part of the national constitution, though frequently allowed to fall into disuse, had never become obsolete, but had always lived in the memories and in the hearts of the people;—and yet, that, in the immediate vicinity, and under the shelter of it, had grown up a despotism, bearing to that of Turkey a resemblance as close as can subsist between the governments of the most, and of the least, civilised of the members of the great community of nations. Who can doubt that such an auditor would consider such a statement merely as a fiction, alike incredible and dull? Yet, if our supposed sceptic, being provoked to search for himself, should find that the narrative was strictly true, and should be compelled to admit the real co-existence of social phenomena, in appearance so contradictory, he might still be reasonably curious and perplexed to discover the reconcilement of them. To a certain extent I have already attempted to suggest it, and I am now about to offer such further explanations as the proceedings of the States General in the 16th century seem to require. But, before we advance to that subject, it may be convenient to take a brief retrospect of the progress which we have already made.

Under the guidance of Le Cocq and the patronage of Marcel, the States of the reign of John had anticipated the ideas of the great revolution. The Convention itself did not proclaim more distinctly the dogmas of political equality, unity, and uniformity. The people were hailed as "sovereign," with equal enthusiasm, by their representatives at either epoch. To convert the States General into a permanent national assembly, and to centralise all the powers of the government at Paris, were maxims inculcated

and acted upon with the same zeal in the 14th and in the 18th centuries. In the earlier as well as in the later of those ages, they had their cap of liberty and their new national flag; the only difference being that those emblems of popular dominion were distinguished at first not by three colours, but by two. And, as if to complete the resemblance between the Parisians of the time of John and those of the time of Louis XVI., the first had their Philippe Egalité in the person of the King of Navarre; as they would have had their Robespierre also in the person of Marcel, if the Dauphin Charles had been of the temper of his successor.

From this singular parallelism some modern French writers, of no vulgar authority, have drawn the conclusion that Le Cocq and Marcel, and their associates were, what is called in France, "grands organisateurs" —constitution makers, that is, not unworthy to be ranked with the founders of those ephemeral French republics and monarchies which have so often appeared and disappeared during the last sixty years. I have no disposition to dissent from this eulogium; but the inference which I should deduce from it is, not that the innovators of the 14th century were men eminent for their understanding or for their public spirit, but that "organisation" is a science or an art in which eminence may be easily attained by men of ready wits, of shallow minds, and of audacious spirits. It is not, after all, a very difficult problem how to decompose human society into its elements. Nor is it a very arduous task to re-arrange those elements on the naked principle of subordinating every member and every movement of the state to the physical force, and the arbitrary will, of the multitude. A great deal of hardihood united to but a slender reach and combination of thought, may accomplish such ends as these.

The real test of political wisdom is found in precisely reversing this process. It aims to produce the greatest attainable amount of good by means of those organs of government which habit has made familiar, and which antiquity has rendered venerable. Tried by this test, Le Cocq was as arrant a sciolist as Sieyes, and Marcel as great a blunderer as Danton.

The revolutionary usurpations of the States General of John were fatal to the constitutional liberties of France. They drove the friends of order and of peace to seek the fatal shelter of absolute power. When the clergy and the nobles abandoned the States of Paris in July, 1357, their secession secured not merely the ultimate, but the early, preponderance of the Crown. Within four months from that time many of the chief cities of France had proffered to Charles the aid which the States had refused; and Paris herself at last asserted her wonted pre-eminence over the rest of France, by a more abundant zeal in coming with similar offers to the rescue of the Regent. Six months later, Le Cocq was impeached for his abuse of his freedom of speech as a deputy; and, within another year, all the royal councillors, whom he had himself impeached, and compelled the Dauphin to dismiss, were publicly re-instated in their offices.

When the Dauphin, under the title of Charles V., ascended the throne, we need not doubt that he brought with him to the administration of affairs an indelible remembrance of the dangers and humiliations of his youth. Nor could that great popular organ of the French government have provoked a more subtle or a more dangerous enemy. For Charles had learnt in adversity some lessons, not perhaps of wisdom, but at least of foresight and

prudence. He had been taught to dread a direct conflict with the national representatives, and had discovered that it was easier to undermine their constitution than to resist their power. His hostility to them was, therefore, conducted and veiled under the form of an innovation, which studiously confounded the States General either with the Royal Council, or with the Parliament of Paris, and which occasionally combined all those three bodies together. During the whole of the reign of Charles V. the deputies were thus yoked with associates more docile than themselves, and more subservient to the royal will; and therefore, at that period, made no attempt to revive the pretensions by which his regency had been agitated.

But when that sagacious and resolute Prince made way for his son and successor Charles VI., the claims and the authority of the States General, (assisted by the revolt of the "Maillotins,") having revived, they extorted from the new king a formal renunciation of all the novelties introduced since the reign of Philippe le Bel, and an equally formal restitution to the nation at large of all their "franchises, liberties, privileges, and immunities." The battle of Rosbecque, however, enabled Charles, though the feeblest of all the princes of the House of Valois, to gratify the hereditary dread and resentment with which he regarded the States General, and, during thirty successive years, to suppress their assemblies altogether.

Humbled by these successive defeats, and perhaps rendered forgetful, and unconscious, of the magnitude of their own powers by this protracted disuse of them, the States General of December, 1420, enabled the foreign usurper, Henry V., to debase still further the representation of the French people by lending themselves as his willing instruments in the in-

dignities to which he subjected their unhappy sovereign, and in the cruel wrongs which he inflicted on their constituents.

With the crown of his ancestors Charles VII. inherited the tradition of distrust and antipathy which these proceedings of the States General during the three preceding reigns had provoked, and might almost seem to have justified. Charles, or rather his minister Le Cœur, was indeed a great and successful "organisateur." But they undertook to organise that precise form of human society which at once the most urgently requires, and the most readily admits, the exercise of such plastic skill. For he who would mould a national army to the purposes of its existence, has to be guided in that work by the simplest of all laws, and by the most obvious of all principles. Implicit obedience is the one rule of conduct, and honour the single spring of action, to be taken into his account. Consequently, in the composition and structure of military society, a lawgiver may safely, and even wisely, adhere, with inflexible rigour, to the rules of what may be called the science of social dynamics. Such was apparently the judgment, and the habit, of Le Cœur.

The States of Orleans, of 1439, seem to have been captivated with the symmetry and the systematic completeness of his military projects. They were delighted with the prospect of the exact discipline to which the lawless men-at-arms were to be subjected by the provisions, at once so peremptory and so comprehensive, of the proposed Ordonnance sur la Gendarmerie. They were either heedless or ignorant of the deep political significance of that great measure. The very instinct of parsimony failed them. They forgot that their proper function was only to supply

the deficiency of the king's hereditary revenue or royal domain by "subsidies, aids, subventions, succours," or by whatever other equivalent terms their temporary grants might be called. They overlooked the warning conveyed by the very style and structure of this constitutional phraseology against the error of assigning to the Crown any new, permanent, and irrevocable resources. They recklessly placed the purse and the sword, at the same moment, in the hands of the king; not, as it might seem, observing that they were thus emancipating him from their own control, and subjecting themselves and their constituents to the absolute power of their present and of their future sovereigns.

But to Charles himself, and to Louis, his keen-sighted son, no consequence could be more clearly perceptible. Charles never again summoned the States General to his assistance; nor did Louis ever convene them except when he needed their support against the princes of his house.

To obtain that support the subtle monarch assailed them at once on each of the two vulnerable sides of all popular assemblies. He gratified both their plebeian jealousy of the power of the great, and their plebeian thirst for the adulation of the great. He called on *them* to decide whether France should be dismembered in favour of one great prince—whether traitorous alliances should be contracted with England by a second—and whether the royal treasury should be exhausted by a ruinous dotation for a third. Not merely assuming the appearance and manners of a roturier, but contriving to impress a corresponding aspect on all the proceedings of the deputies, Louis, with irresistible lowliness, avowed his own incapacity to determine these great and arduous

questions. What wonder that *Adam Fumée* and *Mathurin Baudet*, with the rest of their worshipful brotherhood, immediately resolved to support their unassuming king against the dukes and barons of the Ligue du Bien Public! Or what wonder that, when humbly and courteously requested by him to appoint their own deputies for promoting any reforms which they might think desirable, the Bourgeois, in the exultation of the moment, forgot that, as the misconduct of Louis himself had rendered reformation necessary, so his power, when rescued from any counterpoise of theirs, would as certainly render it impossible! Charles VII. overreached the representatives of the people by splendid schemes; Louis XI. by adroit flatteries. The one conciliated their imagination, the other their vanity. In either case the concentrated powers of a single mind triumphed, as usual, over the discordant passions and purposes of a multitude of minds. They had yet to learn that no such multitude can conduct itself stedfastly, or successfully, except under the guidance of a single leader, and of a recognised head.

The States General of Charles VIII. came together with ideas far more mature, and with a much more correct appreciation of their duties, and of their powers. They were the first assembly of that kind in which all the orders appear to have acted with perfect mutual good understanding. They were the first which knew how to reconcile a due regard for the liberties of their constituents with a due respect for the authority of the Crown. They were the first to whom really great orators addressed eloquent and enlightened expositions of the interest and duties of the various members of the state, and of the relations in which they severally stood to each

other. They firmly established both the precedent—that it belonged to them to dispose of the royal authority in case of the incapacity of the reigning monarch; and the principle—that they possessed that right as representing the people at large, who were the authors, and the ultimate depositaries, of all political power. And, finally, they limited their grants to the royal treasury to a very short period; and they did so, not so much from parsimony, as on the constitutional ground and demand, that, before the lapse of that period, they should be re-assembled, and resume the consideration of the exigencies of the public service.

Such is their just praise. It is their no less just dispraise, that their proceedings were fluctuating, irresolute, and unskilful. It would seem as though the long intermission of the meetings of the States General had prevented the deputies from learning, or remembering, the art of parliamentary tactics. They possessed no party combinations, no expert or acknowledged leaders, and no well-defined objects or line of policy. But, above all, they did not proceed in combination, or in concert, with any other of the great powers of the state, administrative or judicial; or rather, they were in actual, though in unavowed, hostility to each of those powers. No sooner had they ceased to deliberate and to act in their collective capacity, than the king and his ministers set at naught their most important decisions; and the Judges, or Parliament of Paris, distinctly recognised the lawfulness of royal ordinances, promulgated in direct opposition to their most solemn decrees.

Yet the States General of Charles VIII. had given proof of such powers, and had proclaimed such principles, as effectually induced him to dread and

deprecate their re-appearance. He never again convened them. Heavy as were the expenses of his Italian wars, he defrayed them partly by his hereditary revenue, and partly by taxes imposed by his own authority; and, when it would have been unsafe to strain that usurped power any further, then, by loans raised in anticipation of his revenue. The national passion for military triumphs which then first, in modern times, developed its disastrous tendencies in France, then also first gave birth to that apparently insoluble problem, — How the glories of the arms of France can ever be reconciled with the liberties of the French people?

Louis XII., like his predecessor, conducted his wars in Italy by means of loans, and of alienations of the royal domain. For not only did his wise and generous frugality render him independent of the aid of the States General, but, strange as it may sound, it enabled him to enhance his popularity by dispensing altogether with their presence. To hold such assemblies, and to demand pecuniary supplies from the people, were, in that age (indeed in all ages), acts so indissolubly connected with each other, that *not* to hold them, had come to be regarded as a kind of patriotic forbearance. The Assembly of Notables which hailed Louis as "the Father of his people" did not forget his merit in never having been compelled to meet the representatives of his people.

When, in his turn, Francis I. sought for glory to the south of the Alps, he did not entitle himself to the same grateful eulogy. For though, like Louis XII., he never brought together the Three Estates of his kingdom, yet both at Cognac and at Paris he invoked the aid of the Notables to extricate him out of the calamities which followed on the defeat of

Pavia. The first of those assemblies supported him in breaking his faith to Charles; the second of them enabled him to raise the ransom required to rescue his son from the hands of that monarch. The States were, however, so far indebted to Francis, that, by never allowing them to meet, he made others, and not them, the instruments of the public loss, and of the national repudiation of his own sworn promise.

Henry II., in his fiscal distress, imitated and improved on this example of his father. Instead of issuing a summons for the election of deputies, as in former times, he himself nominated them; and his mock States General were further distinguished from all genuine assemblages of that kind by the appearance there of a fourth estate; that is, of the various Parliaments of France as represented by nominees of the Crown. The great object of this assemblage was to obtain a contribution from those privileged classes who were exempt from the tailles and from most other extraordinary imposts. Nor was the attempt unsuccessful. The enthusiasm excited by the recent capture of Calais, and the zeal of the parliaments to requite the king for having elevated them to the rank of a new estate of the realm, opened the hearts and the purses of the members of this anomalous body.

But when Henry had fallen by the lance of Montgomery, and Francis, his son, reigned in his stead, such evasions of the ancient laws and constitution of the kingdom ceased to be any longer practicable. For the time was not yet come when the kings of France were to assume the plenitude of the power of raising taxes without the consent of their people. By Charles VIII., by Francis I., and by Henry II., the power had indeed been exercised, but it was with

the timidity and hesitation of usurpers, and with the too plausible apology that they were at the same time promoters of the glory of France. But the scene and the actors in it were now to undergo a total change.

The seventy-eight years which had elapsed since the dissolution of the States General of Tours by Charles VIII., had been a period of internal progress, though of external disaster. The blood and treasure of France had been profusely squandered in the Italian wars, in the rivalry with the House of Austria, and on the fatal fields of Pavia and St. Quentin. These calamities had, at length, passed away; and unequivocal indications of increasing prosperity were every where visible. But the blast of a new trumpet of woe was about to be heard throughout that devoted land. The wars of religion drew near, and already the hostile bands of the Huguenots and the Catholics were arrayed against each other for that deadly conflict. The civil and military conduct of the cause of the Reformers had been committed to the Princes of the House of Bourbon. The Catholics acknowledged the chiefs of the House of Lorraine as their guides and champions. At the head of the Mediating, or, as they were called, the Political party, were the Constable Montmorency and the Chancellor l'Hôpital. The king himself was a cypher,—a mere boy in his sixteenth year, in tutelage to his mother, Catherine of Medici, whose Italian guile found ceaseless exercise in maintaining her own dominion by the adjustment of the balance between the contending factions. Nor were the other great sovereigns of Europe passive spectators of the brooding tempest. Philip II. had pledged himself to the defence of the Catholic, Elizabeth and the reformed states of Germany to the support of the Calvinistic, arms. But ere those pledges could be redeemed, the

Duke of Guise and his brother, the Cardinal of Lorraine, by the defeat of the Protestant conspiracy of Amboise, had risen to an absolute supremacy in the administration of the government of France, and had constrained the wily Catherine, at least for the moment, to grace and to partake their triumph.

But with the powers came the responsibilities of that high position. The public revenue was inadequate, by two and a half millions, to meet the annual expenditure for which the Guises had now to provide. They had to choose between the unpopularity (so hazardous at such a crisis) of raising the necessary supplies by edicts, to be issued in the name of the king alone, and the hazard (so formidable to the French Court at all times) of convening the now almost obsolete assembly of the States General of France. Yet, from such a convention, the House of Lorraine not unreasonably hoped to derive at once pecuniary resources and popular support; and, in that expectation, they became the avowed advocates of what then seemed so bold a policy. On the other hand, Antoine, king of Navarre, and his brother, the Prince of Condé (the two chiefs of the House of Bourbon) anticipated, from the same source, the triumph of their Protestant adherents, and their own elevation to the political authority which Catherine was exercising in passive subservience to the Princes of Lorraine. Catherine herself hailed the prospect of their meeting as the most probable means of depressing each of the rival houses, and of confirming her own questionable powers; while the Political party believed that the authority of the constable, and the eloquence of the chancellor, would enable them to subjugate the deputies to their pacific and constitutional policy. Under the influence of those opposite,

though concurrent, motives, the leaders of all the great rival parties in France unanimously advised the king to convene the States General of the realm. But the people, to whom the royal citations were addressed, were as much infected as their rulers by the epidemic fever of political excitement. From De Thou and Regnier de la Planche—each of them a contemporary historian—we learn that, from one end of the kingdom to the other, the electoral meetings rang with the characteristic eloquence of France, and that the vices of the clergy, and the crimes of the privileged orders, were the invariable themes of this popular oratory.

For example, John Bazin, an advocate of Blois, in the course of his invectives on such an occasion, having exclaimed that what he had spoken was felt, and would be avowed, by his constituents—the people—was interrupted by the presiding bailli with the question—and what mean you by *the people?* "I mean," replied Bazin, "that bestia multorum capitum of whom you, M. le President, are yourself one." The speech delivered by another advocate, Grimaudet by name, at Angers, might pass for a communist oration, at Paris, of the year 1848. It denounces the courts of justice as shops for the sale of judicial sentences; the priests as hireling absolution mongers; the patrons of benefices as simoniacal debauchees; and the nobles as so many robbers and cowards, sheltering their infamy beneath their great hereditary titles; while the Tiers Etat, exempt from all blame, but labouring under every form of oppression, bore all the brunt of war, and endured all the burdens of peace, producing, by their toils, wealth in which they were allowed no share, and maintaining, by intolerable imposts, luxuries and employments in which they might not participate.

The deputies, who were elected in the midst of these tumults, had scarcely met before Francis died, and they generally adopted the opinion that their legal existence had ended with his natural life. The sages of the law decided otherwise. They maintained that, numerous as were the instances of the mortality of the *kings* of France, the *king* of France was immortal; and that, therefore, the assembly which Francis had summoned might, without any new elections, be holden by his successor, Charles IX.; and thus it happened that the ceremonial of opening the session was performed by the new king, then a boy in his 11th year. The more arduous duty of explaining why this venerable institution of their ancestors was once more called into activity, devolved on the Chancellor l'Hôpital.

He reviewed the origin, the labours, and the privileges of the States General from the earliest times. He disclosed and lamented the oppressive wants of the treasury. He depicted the calamities which either menaced, or were actually afflicting, the kingdom. He ascribed them to differences of religious opinions, for which (as he maintained) a General Council was the only remedy; and he earnestly recommended a reciprocal toleration until such a synod should have met and spoken. "Gentleness," he said, "will make many more converts than violence. Pray for the Heretics. Do your utmost to reclaim them, and you will render to the Church a far better service than by hating and reviling her antagonists."

To these wise and christian counsels the Clergy answered by quoting against the Huguenots the divine commands to exterminate the guilty Canaanites. The Nobles and the Tiers Etat, on the contrary, joined with the chancellor in his appeal to the next General Council, and echoed his advice that, until the

religious controversies should have been set at rest by that ultimate authority, no weapon but that of kind persuasion should be employed against the innovators. Respecting the secular interests of the nation, the three orders were, to a great extent, unanimous.

Here, then, was a concurrence of whatever could promise a successful result to the deliberations of the States General. Holding the balance between the royal and the aristocratic powers, and regarded, both by the Catholics and by the Huguenots, as at least the immediate umpires in their disputes, what was the obstacle to the assertion, by the representatives of France, of all the powers necessary for vindicating the liberties, and redressing the grievances, of the French people? The obstacle was found in their want, not of strength, but of wisdom. They squandered the invaluable opportunity, of which they were masters, by two capital errors. The first was, that they demanded every thing; the second, that they conceded nothing.

After passing laborious weeks in the preparation of their cahiers, the States presented them, at last, in a form the best calculated to alarm each of the three great powers, whom it most behoved them to conciliate —the Queen-mother, the House of Lorraine, and the Middle, or Constitutional, party in the government. In those cahiers were recapitulated all the evils under which society was labouring, and all the remedies by which they might be either removed or mitigated. Every existing form of misgovernment was thus, at once, brought into view, and depicted on the same dark canvass; and reforms so numerous and important were simultaneously suggested, as to give to the project the menacing appearance of a total revolution. Such a scheme at once excited the jealousy of the

royal and aristocratic powers, and depressed the hopes of L'Hôpital and the other enlightened advisers of the Crown. In the presence of such a pyramid of alleged abuses, and of such a mass of proposed measures of relief, the zeal of the most ardent reformers was paralysed, while to the opponents of all change it afforded, at least a plausible apology for inaction.

At once to pursue and to postpone theoretical perfection,—to reconcile the loftiest hopes for the future with the humblest labours for the present,—and so to work out the practicable, while meditating the ideal —is a wisdom of which ancient France has left no traditions, and of which (perhaps for that reason) modern France has had no experience.

But the States General of Orleans erred as much in refusing all reasonable concessions, as in keeping out of sight no imaginable demand. The wants of the treasury were urgent and extreme; and a necessitous Court and Nobility would not have been unwilling to repay a liberal supply of money, by enlarging the franchises of the French people, and by redressing some of the complaints of their representatives. But that price the authors of the cahiers were unwilling either frankly to offer, or distinctly to refuse. They evaded it by an excuse alike unfounded and imprudent. They affected to regard themselves as invested by their constituents, not with a general authority to judge and act for them, but only with a limited power to judge and act in the particular affairs expressly mentioned in their instructions; and finding in those instructions no direct authority to impose any new tax, they declared themselves incompetent to make the grants which the Crown had required.

In this suicidal repudiation of one of their own

highest privileges, the court acquiesced promptly and with apparent pleasure. To Catherine and her councillors it was no unwelcome tidings that the States General of France, so long disused, and so much dreaded, had disavowed any higher character than that of delegates or mandatories, invested only with the right of carrying into effect the express orders of their constituents. But this abandonment of their higher and more independent functions was unrewarded by the anticipated escape from the pecuniary demands of the Queen Regent. The deputies were sent back to their constituents to obtain from them the requisite authority for raising new imposts, with no one grievance redressed, but with gracious promises of the benefits which the king would confer if the necessary supplies should be first granted to him.

New writs were accordingly issued for the election of deputies, to meet in another assembly of the States General. But much of the terror once inspired by such bodies had now passed away; and the court was encouraged, by the experience gained at Orleans, to depart widely, on this occasion, from the ancient laws and usages of the realm. For, first, the whole number of the deputies of the three orders was reduced from 393 to 39; and, secondly, they were declared to be eligible, not by the various bailliages, but by the twelve greater governments of the kingdom; and, thirdly, the electoral bodies were expressly forbidden to instruct their deputies, or even themselves to deliberate on any subject, excepting only that of the aids and subventions to be given to the king. In earlier times such an infringement of the constitution of the States would have been indignantly resisted. But the court had rightly inferred from their recent

proceedings, that such assemblies were no longer really formidable. There remains no record of so much as a single remonstrance, or murmur, against these enormous innovations.

Resolved, as it would seem, to ascertain whether there was any limit to their submissive spirit, the court separated the three orders from each other almost immediately after their meeting at St. Germains, in August, 1561. The Clergy were removed to Poissy, to join the conference at that place between the Catholic and Protestant divines; the Nobles and the Tiers Etat being sent to conduct the business of the session at Pontoise. When thus divided, the three orders were easily subdued. The Clergy were terrified by threats into what was called a voluntary gift of fifteen millions of livres. The Nobles and the Tiers Etat were allured, by vague promises of reform, to impose heavy duties on liquors imported into any fortified cities.

The triumph of the Queen Mother and of the House of Lorraine over the representative body was thus complete. But, in the Chancellor l'Hôpital, France, at that time, possessed a statesman in whose wisdom, equity, and moderation, some counterpoise was found against the cruel and selfish ambition of Catherine, and of the Duke, and Cardinal, of Guise. By L'Hôpital's advice, the States of Pontoise were not used merely as instruments for extracting money from the people; but, in return for their grants, they were permitted to reap some important advantages. They were admitted to a direct participation in three great measures of state policy—the ratification of the treaty by which the Queen Mother and the King of Navarre had divided between them the powers of the regency;—the devising measures for the reconcile-

ment of the Catholics and Calvinists;—and the preparation of a scheme for the discharge of the debts of the Crown. To L'Hôpital, also, the States General were indebted for the promulgation, in the name of Charles IX., of what was called the Edict of Orleans—a law designed to give effect to some of the reforms demanded by them during their session in that city. That edict fell, indeed, very far short of their interminable project; and was, therefore, vehemently opposed by most of the members of their body. It also greatly abridged the privileges of the Parliament of Paris, and was, therefore, opposed by that company with equal vehemence. But it was precisely in this conflict between the two that the Chancellor found the means of accomplishing his own purposes. The States sought his support against the Parliament, and the Parliament against the States; and his projected law was at length accepted as a compromise by both. It long continued in force, bearing his name, and destined, as it seemed, to remain an imperishable monument to his honour. But it fell at last in the universal wreck of all the ancient institutions of France. It is, however, still a monument to be studied, in all its details, by any one who would rightly appreciate the true spirit of that once venerated Monarchy. For the present it may be enough to say, that it established the Pragmatic Sanction so far as it related to the right of the king to appoint the bishops of France—that it forbade the abuse of Papal monitories—that it regulated the law of the licensed publication of books—that it confined judicial offices to men of the gown, to the exclusion of men of the sword—that it abolished the seigniorial courts of justice—and that it abridged the power of an ancestor to disinherit his heir. If, to

us, these enactments, and such as these, should appear to be but scanty fruits of the labours and the sacrifices of two successive national assemblies, we should bear in mind that the innovations thus established were, in themselves, of no light importance, and that the mode of effecting them was in the highest degree momentous. It was the first law which had been enacted by any king of France since the reign of John, with the express and avowed purpose of giving effect to the desires of the States General. The Ordinance of Orleans, imperfectly as it may have accomplished that object, was, therefore, not unjustly hailed as the recognition of a great principle, and as the prolific germ of other concessions to be made, in future times, to the representatives of the French people.

That hope was not, however, to be accomplished. In the dark annals of France, few periods are involved in a deeper gloom than the fifteen years which intervened between the dissolution of the States of Pontoise and the first of the two meetings of the States at Blois. They had been years of civil war embittered by religious animosities. The Protestants had won battles, had suffered defeats, had endured persecutions, had crowded the scaffold as martyrs, and had undergone the butcheries of St. Bartholomew. Five successive edicts of pacification had, each in turn, introduced a short, hollow, and unquiet truce. But between the hostile parties there was no longer any place for confidence, or for pardon. By each of them had been organised a confederation full of menace to the other; and of danger, both to the authority of the Crown and to the peace of the kingdom. Between the Huguenots and the Political Catholics had been concluded a treaty for establish-

ing within the state, but apart from it, a species of republic, governed by laws peculiar to itself in whatever related to public worship, to justice, to war, to commerce, and to finance. The more zealous Catholics, under the guidance of the House of Guise, had laid the foundation of the great Catholic league, with the scarcely disguised purpose of subverting the liberties of the Gallican Church, and of excluding from the throne the descendants of Hugues Capet, in favour of the princes and family of Lorraine, the supposed posterity of Charlemagne. The feeble court meanwhile dreading, and distrusted by, either party, at one time attempted to govern both by holding the balance between them, and at another time were seriously engaged in devising with an adventurer, Poncet by name, who had studied the science of government in Turkey, a scheme for establishing in France the naked despotism of the Sublime Porte. Nor was there wanting the interference of that formidable potentate, the press; which, in the form of pamphlets and of journals, was propagating some of those maxims which we now revere as the corner-stones of all constitutional politics, but which were, in that age, denounced as incitements to anarchy and sedition.

In this labyrinth of intrigues and conflict of passions, there was one ground alone in which the antagonist ranks were not at variance. They all agreed in demanding an assembly of the States General. It promised to the Catholic leaguers a sanction, or at least an apology, for their treasonable compact. It promised to the Protestant and Political confederacy the reforms, civil and religious, for which they were associated. It promised to Catherine and her son Henry a solution of the

perilous problem, to which of those hostile forces it would be the more safe and expedient for them to adhere. And to the literary dictators of the age it promised a broad channel, and an effective agency, through which their doctrines might be the most readily diffused, and the most widely disseminated.

The States were accordingly summoned to meet; and, on the 6th of December, 1576, 326 deputies appeared at Blois in obedience to that citation. In the flower of his youth, and in all the pomp of royalty, Henry III. presided over them. To those historians who, penetrating the inmost hearts of the men of former times, resolve all the enigmas of them more confidently than most of us are able to decypher the secrets of our own, it belongs to explain what were the dominant passions which united, and held together in the same bosom, those apparently irreconcilable propensities, by which the last of the House of Valois seems to have been governed. His youth of daring was followed by an imbecile and voluptuous manhood. The ability both to express, and to win, all the kindly affections, was combined in him with an habitual and inanimate selfishness. His devotion in all religious observances was fervent, even to extravagance; yet was he destitute of any perceptible respect for the restraints, or for the duties, which religion enjoins. Though faithful to his worthless associates and ill-chosen friends, even at hazards which might have daunted the bravest, he was faithless to his subjects, when both honour and prudence exhorted him to fidelity. Gifted with energy and with talents of no common order, he was yet the constant sport of outward circumstances, and the passive instrument of minds holding a far lower place than his own in the scale of intellect. He died the victim of principles

falsely imputed to him; and became the martyr of the very cause which, from the commencement to the close of his life, he had relentlessly persecuted. Who but he whose inalienable prerogative it is to be the Searcher of hearts may discover the true reconcilement of these contradictions? And yet what diligent observer has not remarked in others—what honest self-observer has not occasionally detected in himself,—some inconsistencies not wholly dissimilar from those of Henry? For who has not had occasion to trace the progressive victory of what is sensitive, sensuous, and sensual, over what is moral, intellectual, and spiritual in the nature of every man who, having, like Henry, been subjected to the fiery trial of what we miscall prosperity, has been exempted, by the too easy condition of his life, from the strenuous competition, the laborious self-denial, the invigorating rebukes, and disappointments, and sufferings, which prepare the less favoured children of fortune to scale the obstinate heights of honest fame and enduring usefulness?

To such an elevation, indeed, Henry occasionally made some approach, and especially when he appeared as a public speaker; for his presence was noble, his voice clear and liquid, and his elocution destitute neither of dignity nor of pathos. Take, as an example, the following passage from his address to the States General of Blois on the opening of their sessions. "In all the events of these later wars, nothing," he said, "has given me so much sorrow, or affected me so deeply, as the oppression and the distress under which my poor people have laboured. Often has my commiseration for them moved me to implore God to deliver them from their calamities; or, if not, then that he would be pleased in this, the flower of my age to terminate at once my reign and my life, with a re-

putation befitting the descendant of so long a line of magnanimous princes, rather than allow me to grow old, protracting, in the midst of irremediable troubles, a reign to be remembered in future generations only as a reign of public misfortunes."

Kind and kingly words! but not the only words uttered by Henry on this occasion. He had met the States General with the earnest hope that they would sanction the war which he desired to wage against his Protestant subjects; for he hated, with all the energy of which his enervated mind was still capable, the reformers over whom he had triumphed in his youth, at Jarnac and at Montcontour. But, without the concurrence of the representatives of the French people, he could not venture to raise his standard in such a war; and his aspirations for their support in this enterprise were privately expressed in the form of a parody on the ancient philanthropic wish, that the Romans had but one neck among them, that so they might all be decapitated at a blow. "Would," exclaimed Henry, "that the deputies of the Three Estates (I must substitute a periphrastic for a literal version) were joined together bodily in such sort, that a single kick might drive them all at once to vote for the establishment of uniformity of religion in France." The king thus spoke, in his cabinet, from the heart. On his throne, he had spoken from his lips. But they to whom he had spoken needed no royal voice to stimulate their antipathy to the Calvinists and their leaders. The States General promptly gratified the wishes of their sovereign, though without any such unseemly external impulse as he had meditated. Amongst their earliest resolutions was a vote that Henry should be moved

to re-unite all Frenchmen in the same faith and worship.

Thus far they were unanimous. But with regard to the use, either of the stake or of the sword, for the propagation of the faith, the deputies differed. The majority of the members of the Tiers Etat, when told by the head, proposed to add to the address to the king a protest against the adoption of such methods. The majority of the twelve governments or committees, into which the Tiers Etat were divided, voted, on the other hand, against any such qualification of the address. It was, therefore, presented to Henry in a form which was understood by him, and by the whole assembly, as a declaration of war against the Huguenots.

The immediate result of this vote was, probably, unforeseen by any of the authors or the promoters of it. Henry had found remaining energy enough to imprecate the destruction of the heretics of his kingdom; but, on receiving this formal summons to draw the sword against them, his resolution faltered. He saw in it merely an opportune and welcome deliverance from the responsibility of so momentous a decision; and rejoiced in the opportunity of casting on the States General themselves the reproach of reviving hostilities, and on the Reformers the odium of refusing peace. To purchase this relief from his duties as a king, he was content to sacrifice the highest prerogative of his Crown. He was willing that the deputies should assume the office of negotiators with those whom he and they concurred in denouncing as public enemies; and he answered their address by expressly inviting *them* to engage in the proposed treaty with the Huguenots. The invitation was promptly and gladly accepted. Envoys proceeded from the States

General to Henry of Navarre, to Condé, and to the other Protestant leaders with proposals of reconciliation. But these proposals had been studiously conceived in such a spirit, and framed in such terms, as to provoke and to ensure the indignant defiance with which they were received. Thus the States General having been permitted to assume one of the functions of the royal government, had used it in such a manner as to involve the king and the people of France in a renewal of the civil war.

But in the mind of Henry III. unkingly passions counterpoised each other. When thus invited to satiate his hatred of his Protestant antagonists, he became paralysed by his dread of his Catholic allies. He abhorred the Huguenots as the open enemies of the Church to which he was superstitiously devoted. He dreaded the Leaguers as the secret enemies of his own royal authority, to which his devotion was not less absolute. Oscillating between these emotions, he rushed into the precise dangers which he desired to escape, and brought himself into subjection to the very heretics whom he thirsted to destroy.

The objects of the Catholic League were, the deposition of Henry, the surrender of the liberties of the Gallican Church, and the extermination, or the exile, of the Calvinists. Yet Henry now announced himself to the States General of Blois as the head of that traitorous association. He idly hoped to foil the Duke of Guise by thus wresting from his grasp the keenest of the weapons with which that ambitious prince was assailing his crown and dynasty. With his own hand he subscribed the written act of their traitorous confederacy. He required the deputies to subjoin their signatures to his, and despatched several of them to solicit, in his name, the sub-

scriptions of the governors, nobles, and seigneurs in every province of his realm. Descending from his station as king of France to that of a titular leader of a fanatical faction, he rendered himself the slave of the audacious agitator whom he had hoped to supersede, and whetted the daggers which were, ere long, to be plunged into the bosom of Guise and into his own.

Thus the hopes with which the Leaguers had anticipated the assembly at Blois were, at least, partially gratified. The court, also, had obtained their expected deliverance from the torment of irresolution, and were committed to a war with the Huguenots to the knife. It remains to inquire how far the hopes of the party, called Political, were accomplished.

They had proposed to themselves various reformations in the government, and had resolved to stipulate for new or enlarged popular franchises, in return for whatever pecuniary aids might be granted to the sovereign; but, again, this projected interchange of benefits was defeated by the inexorable parsimony of the States General. The king demanded of them funds to sustain the war into which they had plunged him. But his demands were disregarded. The Nobles proffered their swords, but nothing more. The Clergy refused any grants until the royal encroachments on their spiritual power should have been withdrawn. The Tiers Etat insisted that the king would find an ample revenue in the practice of a wise economy. Long, vehement, and futile were the debates which followed, until the deputies, believing that Henry was tamed by fatigue and poverty to submission, proposed at last to assist him with the necessary funds, but only on the extreme condition

that he should impart the force and authority of law to every resolution which all the Three Estates should unanimously adopt.

The offer was indignantly rejected. To Henry, and probably to the States themselves, it appeared nothing less than an abdication of his royal office. Yet to avoid, if possible, a total failure of the supplies indispensable to the impending war, he proposed that no measures which the States General should recommend for his adoption should be rejected, except on the advice of a commission to be composed of an equal number of his own privy councillors and of deputies to be selected for that purpose by the States themselves.

To this compromise the Clergy and the Nobles would have acceded; but it was firmly resisted by the Tiers Etat. They maintained that they had no right to delegate to others their own delegated powers—that they had no right to reduce the States General from a large popular assembly to a private and innumerous chamber—that they had no right to admit the officers of the Crown into such a participation of the privileges of the representatives of the people—and that, in the proposed commission, there would be neither liberty of speech, nor any real exemption from the corrupting influences of the court.

Thus the offers of the States having been rejected by the king, and the offers of the king having been rejected by the States, the negotiations reached their close. The deputies quitted the king with sullen and menacing remonstrances. The king quitted the deputies declaring indignantly that he would not engage in a war, for the expenses of which they had refused to provide, but would conclude peace with

the Huguenots on the best terms which his pecuniary necessities would permit him to obtain.

None of the hopes of the political reformers were, therefore, fulfilled by the States of Blois. That assembly had repeated the error of their predecessors at Orleans, in demanding everything, and in conceding nothing. Yet their labours were not altogether fruitless. Two years after the close of their session, Henry promulgated a law, which was called the Ordonnance de Blois, because it purported to give effect to the cahiers of the States General holden at that city. It is a curious monument of the learning of the lawyers, and of the inefficacy of the laws, of that age. It is pronounced by the most competent judges to be an admirable exercise in, what may be called, the art of didactic jurisprudence;— a vast accumulation of rules indicating what ought to be done on many subjects of the highest social interest; but of rules destitute of those executory principles, without which every enactment must be useless and unprofitable.

From the dissolution of the States General of Blois, the downward course of the life of Henry was tracked by crime, by disaster, and by shame. The hostilities with the Huguenots, which he had invoked with such wanton levity, and disavowed with such petulant impatience, became inevitable; and, for the seventh time, war was proclaimed against an enemy whom he was powerless alike to conciliate or to conquer. After a brief campaign they extorted, from his weakness or his fears, the pacification of Fleix. But any peace with the Reformers involved, of course, the toleration of their opinions and their worship; and, in the judgment of the Leaguers, the toleration of such heretics was an offence not less unpardonable than heresy itself. Nor did they affect to pardon it.

No indignity however contumelious, no calumnies however hateful, were wanting to their revenge. The pulpits and the presses of Catholic France rang with fierce and unmeasured invectives against the recreant king. The Pope declared himself the protector of the League. The Leaguers entered into a treaty with Philip II. of Spain, for excluding the heretical branches of the House of Bourbon from the succession to the throne of France. The Cardinal of Bourbon, claiming, in virtue of that treaty, the rank of heir presumptive to the French monarchy, nominated the Dukes of Guise and of Lorraine to be joint lieutenant-generals of the kingdom; and those princes, in virtue of that nomination, levied troops, embodied an army, and took possession of several of the royal fortresses.

While his throne was thus menaced from within and from without, by the rising tempest of treason and revolt, what were the pursuits of the king of France? With a basket full of curious spaniels hanging from his neck, he busied himself with the frolics of the monkeys, and the clatter of the parroquets, which filled his menagerie; or took refuge from ennui in marriage fêtes, in ecclesiastical processions, or even in funeral ceremonies; and squandered on these effeminate pastimes sums which, otherwise employed, might have placed him at the head of a force sufficient to overwhelm his enemies. Those enemies at once despised and enjoyed his degradation. They seized on the government of Paris. They organised a revolutionary committee for each of the sixteen sections of the city; and they summoned the Duke of Guise to the command of the insurgent forces of the capital. He assumed it, and extorted from the feeble Henry the treaty of Nemours. It constituted

the Duke general in chief of the royal forces and governor of twelve fortified towns. It granted him the sum of 700,000 crowns as an indemnity for his past expenses in the royal service. It pledged the king to revoke all his concessions to the Huguenots, and it bound him (destitute as he was both of men and money) to renew the war against them.

For the eighth time, therefore, that war was proclaimed by Henry. It plunged him into irretrievable losses, defeat, and shame; while it conducted Henry of Navarre to at least one signal triumph, and Guise himself to new successes and to increased popularity.

The storm now raged against the unfortunate king with rekindled and yet greater fury. The Sorbonne declared that his deposition would be in accordance with the divine laws. The Duke of Guise, marching into Paris and entering the Louvre, insulted and bearded him to his face. The citizens established an insurrectionary government, gained possession of Vincennes and the Bastille, threw up barricades, defeated and disarmed the Swiss who guarded the person of their sovereign, and compelled him to escape to Chartres, a despised and solitary fugitive. To Chartres he was followed by the now triumphant Guise, who dictated there, to the degraded king, what was thenceforward called the Treaty of Union of July, 1588. It forgave, or rather it applauded, all the outrages of Paris. It declared all heretics incapable of any public trust, office, or employment. It excluded the heretical members of the House of Bourbon from the line of succession to the Crown. It raised the Duke to the office of lieutenant-general of the kingdom; and it provided for the immediate convention of

the States General of France. To the observance of these terms, Henry pledged himself in the most solemn forms of adjuration.

Again, therefore, the States General were summoned to meet at the city of Blois; and, on the 16th of October, 1588, 505 deputies were assembled to listen to the inaugural oration of the king. "Among them," says the contemporary historian, Matthieu, "was conspicuous Henry, Duke of Guise, who, as great master of the royal household, sat near the throne, dressed in white satin, with his hood thrown carelessly backward; and from that elevated position he cast his eyes along the dense crowd before him that he might recognise and distinguish his followers, and encourage with a glance their reliance on his fortune and success; and thus, without uttering a word, might seem to say to each of them, 'I see you;' and then (proceeds Matthieu) the duke rising, with a profound obeisance to the assembly, and followed by the long train of his officers and gentlemen, retired to meet and to introduce the king." The lofty consciousness of his royal character still imparted some dignity to Henry's demeanour. Addressing the States with a majestic and touching eloquence, he asserted his title to the gratitude of his people, claimed the unimpaired inheritance of the prerogatives of his ancestors, pronounced the pardon of those who had already entered into traitorous conspiracies against him, and threatened condign punishment of all who might in future engage in any similar attempts. Even Guise listened, with evident discomposure, to this unexpected rebuke, and public menace, from the lips of his sovereign. It was, however, the single gleam of success with which Henry was cheered in his intercourse with the representatives

of his people; and the rest of the history of the States General of 1588, is little else than a record of the humiliations to which they subjected him.

He spoke, as we have seen, with royal indignation, of the outrages of Paris and of Chartres: — but he was compelled to omit all those passages of his address in his subsequent publication of it. He publicly claimed for himself the cognisance of all questions respecting the verification of the powers of the deputies: — but he was constrained, with equal publicity, to retract that pretension. He entertained an appeal from one of the members of the Tiers Etat against a decision of his order: — but he was sternly reminded that the States had met at Blois, not as supplicants to obey, but as councillors to advise, him. He pardoned the Dukes of Soissons and Conti their having borne arms under the Huguenot standards, that so they might be qualified to take their places among the order of the Nobles: — but the validity of his pardon was contemptuously denied. He resisted, as an insult, the demand of the States, that he should repeat, in their presence, the oath he had already taken to observe the Treaty of the Union: — but he was taught that submission was inevitable. He demanded that the States should, in their turn, swear fidelity to himself, and to the fundamental laws of the realm: — but he was obliged to withdraw that demand. He insisted that the exclusion of Henry of Bearn from the succession to the throne should be preceded by an invitation to that prince to return into the bosom of the Church: — but his proposal was inflexibly and scornfully resisted. He commissioned two of his officers to lay before the order of the Clergy, his objections to the acceptance

of the decrees of the Council of Trent:—but his officers were driven away with insult. He solicited pecuniary aid for carrying on the war against the Huguenots:—but the suit was answered by a demand for his surrender of a large part of his actual revenue.

This long series of indignities was readily traced by Henry to the guidance of a single hand. Guise was but too successfully exerting his influence at Blois to dethrone the king by degrading him. The Crown, which must inevitably fall from the grasp of a prince whom all men had been taught to despise, might readily be transferred to the brows of a prince to whom all were looking with admiration.

Yet it was a hazardous policy. The king who had conquered at Jarnac and Montcontour, and who had concurred in devising the massacre of St. Bartholomew, was not a man to be restrained by the voice either of fear, of humanity, or of conscience. The friends of Guise saw, and pointed out, to him the danger of provoking the dormant passions of the enervated Henry; but he received their remonstrances with contempt, and habitually and ostentatiously placed himself within the powers of the sovereign whom he at once despised, exasperated, and defied.

It was at the hour of eight in the morning of the 23rd of December, 1588, that Guise was summoned from the council room at Blois to attend Henry in his private chamber. He entered it alone and unguarded, and had scarcely crossed the threshold before he fell beneath the daggers of assassins who had been stationed there for his destruction. His brother, the Cardinal of Guise, immediately followed, and fell by the same hands. The Cardinal of

Bourbon, and all the other partisans of the House of Guise, were arrested. An officer of the royal household, commanding an armed force, then entered the chamber of the Tiers Etat, and seized as state prisoners the president and three others of the most conspicuous of the Leaguers comprised in that body; and when the work of blood and treachery had been thus consummated, the palace gates were thrown open, and Henry, presenting himself to his dismayed, but indignant, subjects exclaimed, "At length I am a king."

But "he that soweth iniquity," says the wise man, "shall reap vanity, and the rod of his anger shall fail."

Within a few days of the slaughter of the Duke and Cardinal of Guise, Catherine, the mother of Henry, and, perhaps, the only human being who really loved him, was summoned from the world, where, except himself, there probably remained not one who did not execrate her memory. In a few weeks, Paris, and the greater part of France, had solemnly renounced all allegiance to him. In less than eight months, the League had avenged the assassination of their chiefs by the knife of the fanatic Jaques Clement. But in the midst of this general indignation, the States General, and they alone, were, in appearance at least, unmoved. Occasionally, indeed, and even earnestly, they solicited the release of the prisoners. But they breathed not so much as a single remonstrance to the king against his enormous infringement of their sacred character and privileges in the persons of their colleagues. With an almost incredible abjectness they addressed themselves at once to the ordinary business of the session, and discussed with Henry,

amendments in the law of treason, schemes for the admission of his officers to join in their deliberations, and plans for bringing to account all public defaulters. They presented to him, not indignant defiances, but humble descriptions of the sufferings of his people, and meek supplications for the redress of them; and continued, during a whole month after the death of the Princes of Lorraine, to prostrate themselves before the king, as in the presence, not of an assassin, but of a conqueror. The session then closed with the royal audience customary on such occasions; when, in the hope of propitiating his favour to the imprisoned deputies, they addressed him in a speech in which his royal virtues, and especially his *clemency*, were lavishly extolled. On the 16th January, 1589, they at last took their leave of their sovereign, and of each other: when "we parted," says their great orator and memorialist, Bernard, "with tears in our eyes, bewailing what had passed, and looking forward with terror to what was yet to come; and observing that, in our separation, France had an evil augury that she herself was about to be torn in pieces."

The augury was but too well verified. The States General of France never again assembled till they met ineffectually in the reign of Louis XIII., to be then finally adjourned till the eve of the French revolution.

When our own Charles I. (whom the utmost malignity of faction never degraded by a comparison with Henry III.) attempted to arrest, in the House of Commons, the leaders of his revolutionary op-

ponents, there were yet living among his courtiers many who remembered the seizure of the deputies at Blois as one of the tragical occurrences of their youth. Some of them may, perhaps, have drawn, from the passive acquiescence of the Tiers Etat in that outrage, an argument in favour of that disastrous imitation of the policy of the French king. The remembrance of the fatal apathy of the States General may, perhaps, also have suggested to our ancestors in the House of Commons, as it may now explain and vindicate to ourselves, that stern resentment, which no subsequent concessions could either appease or mitigate. Happy would it have been for the Commons of France, in a far later age, if they, also, had diligently meditated this passage in their national annals. The history of the States General of Blois well pondered, and rightly understood, by the French people, might have averted the monstrous progeny of revolution, of wretchedness, and of crime, which, exactly two hundred years afterwards, sprang from the too prolific womb of the States General of 1789.

From age to age, assemblies of the representatives of the people of that kingdom had but repeated the exhibition of the same imposing, but delusive, spectacle. Arrayed in all the theatrical pomp of an ancient monarchy—embellished with the noblest names, and the most illustrious titles—connected, by no doubtful traditions, with the national comitia of Clovis, of Charlemagne, and of St. Louis—elected by a substantially free and an almost universal suffrage, what was wanting to enable the States General to establish a constitutional government? And yet, what did they really accomplish for the freedom of their nation, during the long centuries in

which they had so often been summoned to meet, and to advise, their sovereigns?

It is to be acknowledged, in their favour, that they constantly and faithfully laid bare the diseases of the realm, and depicted, in the most vivid colours, the wrongs of their constituents—that they pronounced orations of surpassing eloquence—that they gave birth to many brilliant aphorisms—that they recognised the most profound principles—and that they formed and announced the loftiest designs. Nor is that all. They have the further merit of having occasionally made some conquests of constitutional franchises, and of having lent their authority to codes of laws which have immortalised the compilers of them. Their condemnation is, that they left all these diseases unhealed—that their eloquence proved to be at last but so many sonorous declamations—that their aphorisms, their principles, and their projects, were gradually relegated from the senate to the schools—that the laws enacted at their instance remained dormant and ineffectual—and that the abuses which they condemned sprang up, after each renewed censure of them, with even greater vigour than before; like so many noxious plants, pruned, but not eradicated.

And whence this continually recurring frustration of so much public spirit, though animated by so much ability, and exerted, as it was, with such assiduous diligence? That public spirit was profitless because the three orders of the States met there, not as allies, but as antagonists—because the impassable barriers of privilege, and rank, and prejudice prevented their fusion into one harmonious body, the different members of which could co-operate together

for the general good—because, on the contrary, the king always found in one or another of those members, a counterpoise against the authority of the rest—because they contentedly acquiesced in the humble office of suggesting and imploring remedies, and left to the king the higher function of enacting, and, therefore, the means of defeating, them — because the embarrassing multitude and the rhetorical vagueness of their proposals afforded always a pretext, often a justification, for the royal disregard of the greater number of their complaints — because the possession of an usurped, but undisputed, legislative power enabled the king to avoid the meetings of the States General, except at some great, infrequent, and distant intervals—and because, during the many intervening years in which the representatives of the people exercised no superintendence or control over the executive and legislative government, the French monarchs committed, and the French people expiated, those habitual and grievous faults, from which, in the exercise of unrestrained authority, man never has been exempt, and never will be exempted; unless, indeed, the nature of man himself shall hereafter be delivered from the corruptions and the infirmities to which it has hitherto been in bondage.

Are we then to conclude that the States General were an unprofitable element in the constitution of the French Monarchy? Assuredly not. For, first, they moderated and restrained in practice, as well as in theory, the reckless increase, and the prodigal expenditure, of the public revenue. It had been a maxim of the Feudal age, that no impost could be lawfully levied on free men except with their own con-

sent; and reverence for that maxim was kept continually alive by the meetings of the representatives of the people, or by the traditions of such assemblies. In process of time, indeed, the kings of France triumphed over this, as well as all the other constitutional principles of earlier generations, and promulgated edicts under which new imposts were exacted, and old imposts were increased, at the royal pleasure. But in the very plenitude of the power of Louis XIV. such edicts were condemned, even when they were not resisted, as a lawless usurpation.

But the conservation of this great principle till the maturity of the time in which it was to revive as a fundamental law of the French Commonwealth, is but one amongst the many similar benefits which the States General of France conferred on the French people. It might not be difficult to dwell at length on the detail of them. But, at the present moment, such a discussion would be as inconvenient as, happily, it is useless. For, in one of those energetic and comprehensive periods which illuminate every page of M. Guizot's philosophical speculations, he has said, in a few words, whatever really remains to be said on this subject; and with those words I close my present lecture.

"From one epoch to another (writes that great author) the States General were a living protestation against political servitude,—an impassioned announcement of some great tutelary principles. Amongst those principles were, the exclusive right of the nation to impose whatever tribute the nation was to pay,—the right of the people to a voice in the conduct of their own affairs,—and the responsibility of the rulers to those over whom they rule. For the con-

tinued vitality of these and similar doctrines in France, we are chiefly indebted to the States General of the kingdom; nor is it a trifling service to any people thus to have cherished in their bosoms, and to have perpetuated in their habits, the remembrance and the love of freedom."

END OF THE FIRST VOLUME.

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